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CITY OF HAMILTON
ZONING BY-LAW





CITY OF HAMILTON

**ZONING
BY-LAW**

By-Law No. 6593

OFFICE CONSOLIDATION

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THIS BY-LAW IS ADMINISTERED BY THE BUILDING COMMISSIONER

IMPORTANT NOTE

This consolidation does not contain amendments proposed by by-law(s) upon which the Ontario Municipal Board has not ruled.

It does contain amendments made by by-laws up to, and including, By-Law No. 92-246 which have been approved by the Ontario Municipal Board.

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SECTION TWO - INTERPRETATION AND DEFINITIONS

2. (1) Wherever the provisions of this By-Law require a greater width, depth or area of yards or other open spaces, or require a lower height for a building or structure or a less number of storeys, or require a greater area of a lot to be left unoccupied, or require a lower density of population, or require a more restricted use of land, or impose other higher standards than are required under the provisions of some other By-Law, or under any applicable Act or Regulation, the provisions of this By-Law shall prevail, and nothing in this By-Law shall be deemed to exempt any person, property or use from the application of any Federal or Provincial Act or Regulation.
- (2) In this By-Law, (72-239)

RESIDENTIAL USES

- A. "Residential" shall mean designed, adapted or used as a home or residence of a family or families, and shall include an apartment hotel, dwelling, multiple dwelling, maisonette dwelling, townhouse dwelling, street townhouse dwelling, hostel, hotel, lodging house, tourist home, tourist camp, trailer camp and summer camp, foster home, residential care facility, short term care facility, a home for elderly persons, but shall not include any institutional use; and "Residential District" means and includes any "A", "AA", "B", "B-1", "B-2", "C", "R-2", "R-4", "D", "DE", "DE-2", "DE-3", "E", "E-1", "E-2", "E-3", "RT-10", "RT-20", "RT-30" District; (7348/54) (9438/61) (72-239) (78-45) (7348/54) (81-27) (82-45) (92-170)
- (i) (Deleted by 10346/64)
- (ii) Repealed. (81-27)
- (iii) "Dwelling" shall mean a single family dwelling, a two family dwelling or a three family dwelling;
- (iv) (Deleted by 92-281)
- (v) "Dwelling, Single Family" shall mean a building comprising one Class A dwelling unit, whether or not a private garage or other accessory building is attached to the same, and which may also contain such lodgers' rooms as may be permitted under the provisions of this By-Law; (81-27)
- (vi) "Dwelling, Two Family" shall mean a building comprising two self-contained Class A dwelling units, whether or not a private garage or other accessory building is attached to the same, and which may also contain such lodgers' rooms as may be permitted under the provisions of this By-Law in the district in which it is situate, and shall include a pair of semi-detached single family dwellings. (8424/58) (10339/64) (81-27)

RESIDENTIAL USES (CONT'D)

2. (2) A. (vii) **"Dwelling, Three Family"** shall mean a building comprising three self-contained Class A dwelling units, whether or not a private garage or other accessory building is attached to the same, and which may also contain such lodgers' rooms as may be permitted under the provisions of this By-Law in the district in which it is situate; (81-27)
- (viia) Repealed. (72-239) (7348/54) (8373/58)
- (viib) **"Dwelling, Townhouse"**, shall mean a building not more than one single family dwelling unit in height, designed and constructed to contain not less than three single family dwelling units attached to each other, side by side, in one row and in substantial harmony with each other, each of which dwelling units,
- (a) has separate front and rear entrances or separate front and side entrances; and
 - (b) is joined on one or both sides by a party wall to another dwelling unit in the same row. (72-239) (72-285) (92-241)
- (viic) **"Dwelling, Maisonette"** shall mean a building not more than one single family dwelling unit in height, designed to contain not less than six single family dwelling units, fully attached to each other, side by side, in two rows arranged back to back and in substantial harmony with each other, each of which dwelling units,
- (a) has a separate front entrance; and
 - (b) is joined on one or both sides by a party wall to another dwelling unit in the same row; and
 - (c) is joined by a common vertical back wall extending the length of the building. (72-239) (72-285) (92-241)
- (viid) **"Dwelling, Street Townhouse"** shall mean a townhouse dwelling,
- (a) in which all single family dwelling units front on a public street, and
 - (b) which do not share any yards, driveways, common open space and parking and manoeuvring space. (78-45)
- (viii) **"Dwelling, Multiple"** shall mean a building comprising four or more self-contained Class A dwelling units, whether or not a private garage or any other accessory building is attached except a building comprising a Townhouse Dwelling or a Maisonette Dwelling; (72-239)

RESIDENTIAL USES (CONT'D)

2. (2) A. (viiiia) "Dwelling, Semi-Detached" shall mean a separate building divided vertically into two dwelling units by a solid common wall extending from the base of the foundation to the roofline for not less than 2.0 metres horizontal depth of the building; (82-45)
- (ix) "Dwelling Unit" shall mean a Class A dwelling unit or a housekeeping dwelling unit, and shall include a single family dwelling or any other separate living quarters for one family within a building, whether detached, semi-detached or attached; but shall not include a tent, or a cabin or trailer in a tourist camp or trailer camp, or a room or suite in an apartment hotel, tourist home, lodging house or other such premises; (7085/53) (81-27)
- (a) "Class A Dwelling Unit" shall mean a dwelling unit having a kitchen, as well as such sanitary and sleeping accommodation as is required by law; and
- (b) "Housekeeping Dwelling Unit" shall mean a dwelling unit without a kitchen, but with an alcove or space not enclosed on all sides by walls, intended or used for culinary purposes; (7085/53)
- (ixa) "Foster Home" means a home other than the home of the child's parent, in which a child is placed for care and supervision; (86-326)
- (x) "Hostel" shall mean and include every establishment in which men only or women only are harboured, received or lodged for hire for a single night or for less than a week at one time, except a lodging house, hotel, tourist home, or private hospital; (95-141)
- (xi) "Hotel" shall mean and include any hotel within the meaning of The Hotel Registration of Guests Act or The Liquor License Act, but shall not include a lodging house, hostel, tourist home, or apartment hotel; (95-141) *
- * Section 1 of The Hotel Registration of Guests Act defines "hotel" as follows:
- "In this act, 'hotel' means a separate building or two or more connected buildings used mainly for the purpose of catering to the needs of the travelling public by the supply of food and also by the furnishing of sleeping accommodation of not less than six bedrooms as distinguished from any other building or connected buildings used mainly for the purpose of supplying food and lodging by the week or otherwise commonly known as 'boarding houses' or of furnishing living quarters for families and having a dining-room or restaurant commonly known as 'apartment houses' or private hotels'." (6996/52)

RESIDENTIAL USES (CONT'D)

2. (2) A. (xii) **"Lodging House"** shall mean a dwelling or building or portion thereof in which lodging is provided for more than 3 persons for remuneration, or the provision of services or both, and the lodging rooms do not have bathrooms and/or kitchen facilities for the exclusive use of individual occupants, but shall not include the following:

- (i) a hostel;
- (ii) a hotel;
- (iii) a public or private hospital;
- (iv) a nursing home;
- (v) a home for the aged or a home for elderly persons;
- (vi) a tourist home;
- (vii) a residential care facility; and,
- (viii) a short-term care facility,

where such facilities are licensed, approved or supervised under a general or special Act other than the Municipal Act. (81-27) (95-141)

- (xiia) **"Home for Elderly Persons"** shall mean a multiple dwelling of at least six dwelling units used for living quarters for elderly persons and qualified to receive aid from the Province of Ontario under the Elderly Persons Housing Aid Act, Revised Statutes of Ontario, 1960, Chapter 117, or operated by or under the authority of the Ontario Housing Corporation. (10718/65)

- (axiia) **"Private Home Day Care"** means temporary care of 5 or fewer children under 10 years of age in a private residence other than the home of a parent or guardian of any of the children. This care is given for compensation or reward, under the supervision of a private-home day care agency and must not exceed a period of 24 hours;" (90-248)

- (xiiaa) **"Residential Care Facility"** means a fully detached residential building occupied wholly by a maximum number of supervised residents as permitted by a district, exclusive of staff, residing on the premises as a group because of social, emotional, mental or physical handicap or personal distress for the purpose of achieving well-being through either one or more programs of self-help, professional care, guidance, supervision not otherwise beneficially available within the resident's own family or if the resident were residing on the premises where,

- (a) the residents are referred to the facility by a hospital, court or government agency; or
- (b) the facility received all or part of its non-capital funds from a government; or
- (c) the facility is regulated by or supervised under any Federal or Provincial statute or a Municipal by-law,

RESIDENTIAL USES (CONT'D)

2. (2) A. (xvi) "Trailer Camp" shall mean a trailer camp within the meaning of the licencing provisions of The Municipal Act; *

* Section 413 (12) of The Municipal Act defines "trailer camp" as follows:

"'Trailer camp' means land in or upon which any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, is placed, located, kept or maintained, notwithstanding that such vehicle is jacked-up or that its running-gear is removed, but not including any vehicle unless it is used for the living, sleeping or eating accommodation of persons therein." (6996/52)

BY-LAW NO. 6593

A By-Law to Prohibit Certain Uses of Land, Buildings and Structures, and to Regulate the Height, Bulk, Location, Spacing, Character and Use of Buildings and Structures in the City of Hamilton.

Passed 25 July, 1950

The Council of The Corporation of the City of Hamilton enacts as follows:-

SECTION ONE - TITLE

1. This By-Law may be known and cited as "The Zoning By-Law".

INSTITUTIONAL USES

2. (2) B. "Institutional" shall mean designed, adapted or used for medical, surgical, charitable or other treatment or care of persons, or for detaining persons for correctional, disciplinary or other purpose, and shall include a children's residence, a home for the aged, a monastery, nunnery or religious retreat, a gaol, reformatory or training school, and all other such uses; (81-27)

(i) "Children's Residence" means all or any part of a building or buildings in which three or more children not of common parentage reside away from the home of their parents or guardians primarily for the purpose of receiving residential care, and includes any other home or institution in which three or more children not of common parentage reside and that is supervised or operated by a children's aid society under The Child Welfare Act, 1978, whether or not the children are Crown wards or wards of the society, but does not include, (86-236)

(a) a house that is licensed under The Private Hospitals Act;

(b) a day nursery within the means of The Day Nurseries Act, 1978;

(c) a summer camp under The Public Health Act;

(d) a home for special care under The Homes for Special Care Act;

(e) part of a public school, separate school, private school or a school for trainable retarded children under The Education Act, 1974;

(f) a hostel intended for short-term accommodation; or

(g) a hospital that is in receipt of financial aid from the Province of Ontario. (6996/52)
(81-27)

(ii) "Day Nursery" shall mean a day nursery to which the Day Nurseries Act applies; (90-248) *

* Section 1(d) of the Day Nurseries Act, R.S.O. 1980, c. 111, as amended, defines "Day Nursery" as follows: (90-248)

"Day Nursery" means a premises that receives more than five children who are not of common parentage, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four hours, where the children are,

INSTITUTIONAL USES (CONT'D)

2. (2) B. (ii) (i) under eighteen years of age in the case of a day nursery for children with a developmental handicap, and
- (ii) under ten years of age in all other cases, but does not include,
- (iii) part of a public school, separate school, private school or a school for trainable retarded children under the Education Act,
- (iv) a place that is used for a program of recreation and that is supervised by a municipal recreation director who holds a certificate issued pursuant to Section 10 of the Ministry of Culture and Recreation Act, or
- (v) a child's mental health centre under the Children's Mental Health Services Act.
- (iia) (81-27) Repealed. (86-326)
- (iib) "Home for the Aged" means a home for the aged established and maintained under The Homes For The Aged and Rest Homes Act or any successor thereto or a rest home established and maintained under the said Act; (81-27)
- (iii) (8696/59) Repealed. (81-27)
- (iv) "Nursing Home" means any premises licenced as a nursing home under the Nursing Home Act. (92-170)
- (v) "Private Hospital" means a house in which four or more patients are or may be admitted for treatment, other than, (8696/59)
- (a) a hospital or other establishment or institution supported in whole or in part by provincial aid,
- (b) an institution in respect of which a licence under The Private Sanatoria Act is in force,
- (c) an institution for the reclamation and cure of habitual drunkards established under The Municipal Act,
- (d) a house registered under The Maternity Boarding Houses Act,
- (e) a lodging house licensed under a municipal by-law;
- (vi) "Public Hospital" means a hospital approved as a public hospital under The Public Hospitals Act, 1957; (8696/59)

INSTITUTIONAL USES (CONT'D)

2. (2) B. (vii) "Sanatorium" means and includes
- (a) a mental hospital,
 - (b) an institution in respect of which a licence under The Private Sanatoria Act is in force, or which requires a licence under the said Act,
 - (c) (8696/59) Repealed. (81-27)
 - (d) (8696/57) Repealed. (81-27).

PUBLIC USES

2. (2) C. "Public" shall mean designed, adapted or used for civic, political, religious, educational, social or recreational purposes, or for local or other governmental or other such public use, not including a liquor store or any commercial or other non-public purpose, and shall include a defense project, police station, fire station, waterworks, street, alley, a school other than a commercial school, a church, public park, fairground, playground, bowling green, tennis court, public library, museum, art gallery, observatory, community centre, cemetery, mausoleum or other such public use whether publicly operated or not, but shall not include a miniature golf course or other use of a kind customarily carried on as a business, whether publicly operated or not;
- (i) "Alley" shall mean a public or private way which affords only a secondary means of access to abutting properties;
- (ii) "Fairground" or "Exhibition Ground" shall mean any parcel of land used for the purposes of a fair or exhibition pursuant to The Agricultural Societies Act, or for the purposes of any other fair or exhibition of any organization receiving provincial aid or aid from the city corporation for such purposes;
- (iii) "Seminary" shall mean a school or college where persons receive religious training, with or with a dormitory; (92-170)
- (iv) "Street" shall mean a public highway or a private way, which affords the principal means of access to abutting properties. (92-170)

PUBLIC USES

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- (i) "Alley" shall mean a public or private way which affords only a secondary means of access to abutting properties;
- (ii) "Fairground" or "Exhibition Ground" shall mean any parcel of land used for the purposes of a fair or exhibition pursuant to The Agricultural Societies Act, or for the purposes of any other fair or exhibition of any organization receiving provincial aid or aid from the city corporation for such purposes;
- (iii) "Seminary" shall mean a school or college where persons receive religious training, with or with a dormitory; (92-170)
- (iv) "Street" shall mean a public highway or a private way, which affords the principal means of access to abutting properties. (92-170)

COMMERCIAL USES (CONT'D)

2. (2) D. (ibb) (b) "Video Lottery Terminals" shall mean machines or devices that allow a person to play a lottery scheme upon payment of money where that play may result in the receipt of a credit that can be redeemed for further play or money. Provided that, video lottery terminals are only permitted and used in conjunction with a charity gaming club. (97-073)
- (ic) "Flea Market" means a place, building or structure on or in which are situated stands at which trades, callings, businesses or occupations are carried on by separate vendors. (89-35)
- (ii) "Garage, Public" shall mean a building or portion thereof used for the housing or care of motor-driven vehicles other than care by way of car wash, or where motor-driven vehicles are equipped for operation, repaired or kept for remuneration, hire or sale, or land upon which motor-driven vehicles are parked for a charge, or displayed for sale, or any other establishment subject to licence as a public garage, but shall not include a private garage. (72-224) (74-44) (76-40)
- (iii) "Garage, Storage" shall mean a building or portion thereof used for housing only, of motor-driven vehicles pursuant to previous arrangements and not to transients, and where fuels and lubricants are not sold, and motor-driven vehicles are not equipped for operation, repaired, hired or sold;
- (iiia) "Gun Shop" shall mean any building or premises, (90-232) (90-354)
- (a) where firearms are purchased, offered for purchase, sold, offered for sale, manufactured, produced, repaired, altered, modified or taken in pawn, or (90-232)
- (b) where ammunition is purchased, offered for purchase, sold, or offered for sale. (90-232)
- (iv) "Parking Lot, Public" shall mean an open area, other than a public thoroughfare, used for the temporary parking of more than four motor-driven vehicles and available for the use of the public, whether free, for compensation or as an accommodation for clients or customers;
- (iva) "Penny Arcade" shall mean any business establishment or part thereof containing four or more mechanical or electronic game machines operated for gain, but shall not include,
- (i) any billiard, pool or bagatelle table;
- (ii) shuffleboard or fooseball; or
- (iii) various information machines such as, but not limited to, blood pressure machines and breathalyser machines.

COMMERCIAL USES (CONT'D)

2. (2)
(cont'd)

D. (iva) For the purposes of this subclause;

"business establishment" means any commercial use which occupies a building or part thereof, and having a separate entrance to each establishment, either from within or outside the building.
(76-335) (80-290) (83-269)

(ivb) "Restaurant" shall mean any building or premises where food is prepared and offered for sale for immediate consumption therein or elsewhere, and shall include those premises for which a Sale Licence has been issued under The Liquor Licence Act, but does not include, (78-184) (80-210) (87-41) (92-170)

(a) any building or portion thereof where drink or prepackaged food requiring no further preparation is offered for sale;

(b) a variety store or retail grocery store in which drink or prepackaged food requiring further preparation is offered for sale accessory to the store where,

A. not more than 10% of the gross floor area of the variety store or retail grocery store is occupied by the accessory use; and

B. no seating or stand-up counter is provided for the consumption of food on the premises; and

C. access to the accessory use is provided only from inside the variety store or grocery store.

(v) "School, Commercial" shall mean and include a barbers' college, beauticians' school, business college, commercial gymnasium, art school, dancing school, music school and every such enterprise carried on as a business, or which does not enjoy exemption from municipal taxation as a school or seminary of learning;

(vi) "Stable, Commercial" shall mean any stable other than a private stable;

(via) "Stand" means an area in the flea market at which new or used goods are exposed or offered for sale.
(89-35)

(vib) "Studio, Motion Picture" means a building or structure for motion picture production or other audio visual processes, and includes a non-commercial viewing studio with a maximum seating capacity for twenty-five persons; (81-239) (82-67) (82-68) (89-35)

(vii) Repealed. (92-170)

COMMERCIAL USES (CONT'D)

2. (2) D. (viia) "Outdoor Patio" shall mean an outdoor area used in conjunction with any establishment licensed under the Liquor Licence Act, where seating accommodation is provided and meals or refreshments are served to the public for consumption on the premises; (86-223) (92-114)
- (viii) "Theatre" means a building or structure designed for the presentation of motion pictures, theatrical and other staged entertainment services. (81-239) (82-67) (82-68)

INDUSTRIAL USES

2. (2) E. "Industrial" shall mean designed, adapted or used for purposes of "manufacturing industry" within the scope and meaning of the reports of Statistics Canada, Standard Industrial Classification, 1980, and the various classes or kinds of Industrial uses may be known and referred to by the name of the principal component material of the major product in accordance also with the said reports, as follows, namely;
1. Vegetable Products;
 2. Animal Products;
 3. Textiles and Textile Products;
 4. Wood and Paper Products;
 5. Iron and Steel and Their Products;
 6. Manufactures of the Non-Ferrous Metals;
 7. Manufactures of the Non-Metallic Minerals;
 8. Chemicals and Allied Products; and
 9. Miscellaneous Products;
- and "Industrial District" means and includes
a "J", "JJ", "J-3", "K", "KK", "M-11", "M-12", "M-13",
"M-14", or "M-15" District (9438/61) (9907/62) (77-277)
(83-228)

Vegetable Products

- (i) "Bakery" shall mean a factory used for producing, mixing, compounding or baking bread, biscuits, buns, cakes, pies, ice-cream cones or other bakery product of which flour or meal is the principal ingredient, but shall not be deemed to include a restaurant or other premises where any such product is made only for consumption on the premises;
- (ii) "Candy Kitchen" shall mean a factory used for the manufacture or processing of candy, chewing gum, chocolates or other confectionery;
- (iii) "Canning Factory" shall mean a factory used for the making of jams or jellies, or for the preserving or canning of fruits or vegetables, and shall include a pickle factory, a fruit or vegetable dehydrating plant, and a plant for the fast-freezing of fruits or vegetables;
- (iv) "Miscellaneous Vegetable Food Products Factory" shall mean and include any factory used for the blending, processing or preparing of corn flakes, puffed wheat, popcorn or other such cereal food product, or jelly powder, baking powder, flavouring extract, beverage powder, tea, coffee, spice sugar, dextrine, starch, glucose or other vegetable food product, but not including a brewery, distillery, winery, soft drink bottling works, bakery or other use otherwise classified.

INDUSTRIAL USES (CONT'D)

Animal Products

2. (2) E. (v) "Dairy Products Plant" shall mean and include a creamery, a cheese or butter factory, condensed or powdered milk factory, ice cream factory, a milk pasteurization and bottling plant, a milk or cream shipping or receiving station, and any other such use;
- (vi) "Meat Products Plant" shall mean a canned meat factory, sausage factory, meat processing plant and any other factory for the cooking, curing, smoking or other processing or packing of meat, poultry or eggs, but shall not include a fowl-killing establishment, slaughter house, animal by-products plant or any use which may be an offensive manufacture within the meaning of The Public Health Act or regulations hereunder;
- (vii) "Animal By-Product Plant" shall mean and include a gelatine or glue factory, a bone-meal factory, organic fertilizer plant, tallow-rendering or other reducing or rendering plant, and any other plant or premises used for any such purpose;

Textiles and Textile Products

- (viii) "Textile Factory" shall mean and include any mill, shoddy mill or other factory for the manufacture or processing of cotton yarn, thread, cloth or waste, woollen yarn, felt, cloth or waste, blankets, curtains, carpets, rugs or mats, hats, hosiery, knitted goods, garments or other clothing, tents, awnings, sails or parachutes, cordage, rope or twine, cotton or jute bags, and any other articles usually manufactured by the needle trades, including silk or synthetic yarn products, but not including the manufacture of rayon or other synthetic yarn or material.

Wood and Paper Products

- (ix) "Paper Products Factory" shall mean a factory used for the manufacture of paper boxes, bags, drinking cups, sales books or excelsior, or of corrugated paper products or other papeteries, including building paper, asphalt composition roofing and saturated paper, but not including a rag mill, paper mill, pulp mill or shoddy mill;
- (x) "Wood Products Factory" shall mean a factory used for the manufacture of barrels, baskets, boats, boxes, coffins, crates, doors, excelsior, flooring, furniture, pressed pulp products, spools, wagons or

INDUSTRIAL USES (CONT'D)

Wood and Paper Products (Cont'd)

2. (2) E. (x) other wood products but shall not include a wood
(cont'd) distillation plant or other use otherwise
classified, or a sawmill or planing mill save one
permitted as accessory to a wood-products factory;
- (xi) "Printing Establishment" shall mean an establishment
used for blueprinting, engraving, stereotyping,
electro-typing, printing or typesetting, and shall
include a duplicating shop and a letter-shop;

Iron and Steel and Their Products, and Manufactures of the Non-Ferrous Metals

- (xii) "Primary Metals Plant" shall mean a smelter, blast
furnace, cupola, foundry, mill or other factory used
for the production of primary iron or steel,
including pig-iron, ferro-alloys and rolled
products, or of babbitt metal or other primary
non-ferrous metals;
- (xiii) "Metal Products Factory" shall mean a factory used
for forging, rolling, stamping or drawing (either
cold or hot), casting, fabricating, grinding,
turning, machining, heat-treating, galvanizing,
plating, coating or other fabrication or processing
of structural steel, boilers, tanks, drums or cans,
machines, motors or large parts, including railway,
automotive, agricultural or electrical equipment,
hardware or tools, other ferrous or ferro-alloy
metal products, aluminum products, brass or copper
products, white metal alloy products, bronze powder
or other non-ferrous or non-ferrous alloy metal
products, and shall include a die and casting
factory, premises used for the making of sand
castings, an industrial welding shop and a railway
rolling stock repair shop;
- (xiv) "Small Metal Wares Factory" shall mean a metal
products factory that is used only for the forming,
stamping, spinning, machining, buffing, plating,
coating or other such fabrication or processing of
ferrous or non-ferrous small wares or small parts,
including cutlery, flat-ware, hollow-ware, small
springs, coat hangers, small auto parts, light
carpenters' or garden hand-tools, light electrical
equipment, jewellery or other such small wares or
small parts of Iron and Steel and Their Products or
of Manufactures of the Non-Ferrous Metals, but shall
not include the manufacture of bronze powder or
other similar grinding process, or a die and casting
factory;

INDUSTRIAL USES (CONT'D)

**Iron and Steel and Their Products,
Manufactures of the Non-Metallic Minerals**

2. (2) E. (xv) "Ceramics Factory" shall mean a factory used for the bonding and firing of bricks, tile, earthenware, glassware, abrasive products or other such manufactures of the non-metallic minerals, but shall not include any manufacture of cement blocks, nor of artificial abrasive, whether complementary or not, nor any clay pit or other mining use;

Chemicals and Allied Products

- (xvi) "Pharmaceuticals Factory" shall mean a factory used for the manufacture of perfumes, cosmetics, toilet preparations, deodorants, soaps or cleaning compounds, disinfectants, insecticides, poisons that are manufactured and packaged for medical or pharmaceutical purposes only, or bleaches other than chlorine bleaches;
- (xvii) "Distillation Plant" shall mean any plant or premises used for the distillation of bones, wood, tar, petroleum or of any of their products;

MINING USES

2. (2) F. "Quarry" shall mean any pit, quarry or excavation made for the purpose of searching for or removal of any soil, earth, clay, marl, sand, gravel, limestone, marble or other such non-metallic mineral, but shall not include an oil well or salt mine;

FARMING USES

2. (2) G. "Farming" shall mean forestry, fallow, field crops, fruit farming, horticulture, dairying, pasturage, animal husbandry, poultry or bee-keeping, or any other farming use, including the packing, treating or storing of produce of the premises, and other accessory uses, and shall also include a rural fruit or vegetable packing, grading or shipping plant whether accessory or not, and a rural seed-cleaning plant whether accessory or not, provided that in the case of a seed-cleaning plant the escape of dust is effectually minimized by mechanical means suitable for the purposes; (7085/53)

MISCELLANEOUS USE DEFINITIONS

2. (2) H. (i) "Accessory" shall mean normally and customarily incidental, subordinate and exclusively devoted to a principal use, building or structure, and located on the same lot therewith;
- (ia) "Amenity Area" means an area on the same lot accessory to a residential use, including, (73-233)
- (a) patios and balconies accessory to dwelling units; and
- (b) communal areas such as swimming pools, lounges, recreation areas and landscaping; (73-233)
- (ib) "Communal Area" means an area exclusively devoted and common to and for the dwelling units comprised in a residential use. (73-233)
- (ii) "Garage, Private" shall mean a garage appurtenant to a dwelling or multiple dwelling, either detached or attached to the same, used only for the housing of passenger automobiles of the occupants of the premises, and wherein there is provided storage space for not more than one passenger automobile for each dwelling unit of the dwelling or multiple dwelling to which said garage is appurtenant, plus storage space for not more than two additional passenger automobiles added to the total; (6902/52)
- (ii) Provided that the keeping in a private garage of a commercial vehicle or motor vehicle of a capacity of not more than one-half tonne (0.55 ton) by the driver of the same who resides in the premises to which such private garage is appurtenant, shall not be deemed to take such private garage out of the scope of this definition. (7085/53) (80-049)
- (iii) "Home Occupation" shall mean any incidental and secondary use carried on for remuneration entirely within a dwelling unit by members of a family residing in the dwelling unit as their principal place of residence, that does not change the character of the dwelling unit where,
- (a) no goods, wares or merchandise or any personal property is kept for sale, offered for sale or sold upon the premises except such goods, wares or merchandise or any personal property that is produced on the premises and;
- (b) there is no sign or notice posted on the premises except one unlighted name plate having an area of not more than 0.2 square metres, attached to and as nearly as practicable flush with a wall of the building; and
- (c) there is no display to indicate to persons outside the premises that any part of the premises is being used for any purpose other than that of a dwelling; and

MISCELLANEOUS USE DEFINITIONS (CONT'D)

2. (2) H. (iii) (d) no materials, equipment or finished or unfinished goods, wares or merchandise is stored outside of the dwelling or a dwelling unit; and
- (e) any part of the basement or cellar and not more than 15% of the habitable floor area of the dwelling unit are used for the following purposes:
1. The incidental and secondary use.
 2. The storage of materials, equipment or finished or unfinished goods, wares or merchandise; and
- (f) no mechanical or other equipment is used or kept on the premises except as is customarily employed in dwellings for hobbies, domestic or household purposes or for any purpose normal to, or reasonably consistent with, the use of the building as a dwelling; and
- (g) no noise, vibration, fumes, odour or dust is emitted to the environment outside of the building,
- (h) shall include an incidental and secondary use, limited to not more than:
1. one hairdresser or one barber;
 2. one comb-out centre; and
 3. one hair styling sink;
- (i) shall not include an incidental and secondary use than consists of:
1. motor vehicle repairs, auto body repairing and painting of motor vehicles; and
 2. keeping of scrap and salvage material.
(6902/52) (81-20) (92-210)
- (iv) "Loading Space" shall mean a space provided or used for the purpose of loading or unloading goods, wares, merchandise or materials, and which is appurtenant to any building, structure or parcel of land, and is not upon or partly upon any street or alley but is accessible thereto;
- (iva) "Mutual Driveway" means an ingress or egress that is common to two or more owners of abutting lands as a right of way registered against the title of the lands; (83-66)

MISCELLANEOUS USE DEFINITIONS (CONT'D)

2. (2) H. (ivaa) "Owner" means the person, corporation or other entity registered on title as owner or any person, corporation or other entity having control of the property, including those receiving rents for the property, whether on their own account or as agent or trustee of any other person or entity; (92-089)
- (ivb) "Parallel Parking Space" means a parking space having a parking angle of less than twenty-five degrees; (83-66)
- (ivc) "Parcel" shall mean a tract of land shown on a plot plan and designated for a particular building, structure or use in a district where the requirement of a lot has been dispensed with. (67-278) (68-164) (83-66)
- (ivd) "Parking Area" means the space occupied by any parking spaces and manoeuvring spaces whether required or not, but does not include any space occupied by an access driveway; (83-66) (92-170)
- (v) "Parking Space" means a space enclosed in a principal building or in an accessory building or unenclosed for the parking of a vehicle and having manoeuvring space and one or more access driveways appurtenant thereto with ingress into and egress from a highway. (7977/59) (8203/58) (79-288) (80-049) (83-66)
- (vi) "Place of Assembly" shall mean a parcel of land or a building or structure or part thereof designed, adapted or used for purposes of assembly, where persons may congregate for civic, political, religious, educational, social, recreational, amusement, or dining purposes in any one or more places, rooms or enclosures, and whether or not seating accommodation is provided, and shall include: (6692/51)
- (a) a court room,
 - (b) a church or Sunday school,
 - (c) a library, museum, art gallery or community centre,
 - (d) a lecture room or rooms, concert hall, auditorium or other such room or rooms of any school, college or university,
 - (e) a bathing beach, swimming pool, fairground, recreation pier, amusement park, stadium, grandstand or arena,
 - (f) a railway station, bus terminal or aerodrome,
 - (g) a club, lodge, trade union hall or assembly hall,
 - (h) a theatre, dance hall, bowling alley or billiard room, (81-239) (82-67) (82-68)

MISCELLANEOUS USE DEFINITIONS (CONT'D)

2. (2) H. (vi) (j) a restaurant or tavern; and
(k) any other such premises;

Provided, however, that any such premises having lawful accommodation for no more than sixty persons in the establishment shall not be included in this definition; (6692/51)

(via) **"Planting Strip"** means an area of land growing ornamental shrubs or trees or both, suitable to the soil and climatic conditions of the area of land for the sole purpose of providing a visual barrier or buffer; (83-66)

(vib) **"Privacy Area"** means an open area,

(a) on the same lot and accessory to a single family dwelling unit, access to which area is provided and maintained through a doorway to a habitable room, and

(b) that is separate from and not included with walkways, play areas or any other communal area. (72-239) (78-45) (79-288) (83-66)

(vib) (78-104) Repealed. (78-183)

(vic) **Sanitary Transfer Station** includes,

(i) the receiving, storage, compaction and baling of refuse in preparation for transfer elsewhere; and

(ii) the processing of refuse for resource recovery purposes. (79-33) (83-66)

(vica) **"Satellite Dish"** shall mean a concave directional antennae having a diameter of one metre or more which is used or intended to be used to send or receive signals to or from satellites. (92-188)

(vid) **"Shopping Centre"** means a building or buildings comprised of retail stores, commercial business establishments or offices conceived, designed, developed and managed by,

(a) the owner of the land or premises on which the stores, establishments or offices are located, or

(b) a group of owners or tenants of the land or premises on which the stores, establishments or offices are located, acting in collaboration,

and operating on a single lot in a cluster of mall-type pattern in which the use of off-street parking and other joint facilities are provided for their mutual benefit. (83-66)

MISCELLANEOUS USE DEFINITIONS (CONT'D)

2. (2) H. (vie) "Sign, Business Identification" shall mean a sign identifying a business operated on a lot, displaying only one or more of the following content:
1. The name of the business.
 2. The registered trademark of the business.
 3. The ownership of the business.
 4. The name of the activity, product or service available on the premises. (81-30)
- (viea) "Sign, Public Notice" shall mean a sign containing content advertising that an application for an official plan amendment and/or an application for an amendment to Zoning By-Law No. 6593 and/or an application for the approval of a plan of subdivision and/or an application for consent has been made, and that the application is, or applications are, being considered by the City of Hamilton. (87-79) (96-022)
- (vif) "Sign, Shopping Centre Identification" shall mean a sign identifying a shopping centre operated on a lot, displaying only one or more of the following content:
1. The name of the shopping centre.
 2. The registered trademark of the shopping centre. (81-30)
- (vig) "Sign, Third Party/Billboard " shall mean a sign that directs attention to, (96-092)
- (a) a business, service or entertainment that is conducted, sold or offered for sale or otherwise, elsewhere than on the premises;
 - (b) one or more goods, wares or merchandise or any personal property. (81-30)
- (vii) "Stable, Private" shall mean a stable upon premises used for farming purposes, and housing only horses which are used for such purposes on the premises, or shall mean a detached building appurtenant to a dwelling and used for the housing of not more than four horses of the occupants of the premises, and none of which animals are used for delivery or other commercial purposes;
- (a) For the purpose of this definition, "horse" shall include a mare, mule, donkey or pony;
- (viia) "Swimming Pool, Above Ground" means an accessory building, structure, basin chamber or tank containing an artificial body of water for swimming, diving or recreational bathing extending above grade. (75-86)

MISCELLANEOUS USE DEFINITIONS (CONT'D)

2. (2) H. (viib) **"Swimming Pool, Inground"** means an accessory building, structure, basin chamber or tank containing an artificial body of water for swimming, diving or recreational bathing extending not more than 0.5 metres (1.64 feet) above existing grade. (75-86) (79-288) (80-049)
- (viic) **"Storage Space"** shall mean an area having a width of at least 3.0 metres (9.84 feet) and a depth of at least 2.0 metres (6.56 feet) that is appurtenant to a required loading space; (78-265) (79-288) (80-049)
- (viii) **"Use, Non-Conforming"** shall mean that use to which any land, building or structure was lawfully put on the day this By-Law or any applicable amendment was passed, and which does not conform with the requirements of this By-Law for the district in which such land, building or structure is situate;
- (1a) **"Car Wash, Manual"**, shall mean a vehicle wash wherein the motor vehicle does not move during washing or is washed only manually by a person but without insertion of a coin into a vending machine or receptacle to commence or continue the washing process. (72-244) (76-40)
- (1b) **"Car Wash, Mechanical"**, shall mean a vehicle wash wherein the vehicle is driven or towed into the washing bay and does not move during any one or more phases of the washing process and is washed by equipment that is stationary or moves about the vehicle, but without the insertion of a coin into a vending machine or receptacle to commence or continue the washing process. (72-244) (76-40)
- (1c) **"Car Wash, Coin-Operated"**, shall mean a vehicle wash wherein the vehicle is washed either manually or mechanically only upon the insertion of a coin in a vending machine or receptacle to commence or continue the washing process. (72-244) (76-40)
- (1d) **"Car Wash, High-Speed Mechanical"**, shall mean a vehicle wash wherein the vehicle is moved by, on or along a conveyor system during different phases of the washing process. (72-244) (76-40)

MISCELLANEOUS DEFINITIONS - TECHNICAL

2. (2) J. (i) **"Alcove"** shall mean a portion of a building cantilevered and projecting beyond the main outside face of a building; (86-298)
- (ia) **"Alter", "Altered" or "Alteration"** shall refer to and mean and include any alteration in a bearing wall or partition, column, beam, girder, or other supporting member of a building or structure, or any increase in the area or cubic contents of a building or structure; (86-298)
- (iaa) **"Angle of Light Obstruction"** means an acute angle formed from the horizontal by a line extending from the centre of the street at grade at a right angle to the centre line of the street or to a tangent to the centre line of a curved street over a lot abutting on such street and touching a building or structure thereon without intersecting it; (10379/64) (86-298)
- (ib) **"Average Angle of Light Obstruction"** means that angle which is obtained by multiplying each different angle of light obstruction by the length of the building frontage over which it occurs, and dividing the sum of these products by the total building frontage on that street; and, in such computation, where any angle of light obstruction is less than 20 degrees it shall be considered as 20 degrees, but where any section of a height which is uniform along the street frontage has an angle of light obstruction less than the average permitted and has a frontage of less than 6.0 metres (19.69 feet), the same shall not be included in such computation to reduce the average; (10379/64) (79-288) (80-049)
- (ii) **"Basement"** means a storey which is partly below adjacent ground but which is not more than one-half of the clear height from the top of its floor to the underside of its finished ceiling below the adjacent ground. (70-372)
- (iii) **"Cellar"** means that portion of building which is partly below adjacent ground but which has more than one-half of the clear height from the top of its floor to the underside of its finished ceiling below adjacent ground. (70-372)
- (iiia) **"Commercial Motor Vehicle"** means a motor vehicle having permanently attached thereto a truck or delivery body and includes an ambulance, hearse, casket wagon, fire apparatus, bus or tractor used for hauling purposes on the highways; (83-66)
- (iv) **"Curb-Level"** shall mean the elevation of any highway or part of a highway as fixed by the city engineer;
- (v) **"Depth"** with reference to a lot, shall mean the mean horizontal distance between the front lot line and the rear lot line, except in the case of a through lot, when it shall mean the mean horizontal depth of the lot;

MISCELLANEOUS DEFINITIONS - TECHNICAL (CONT'D)

2. (2) J. (v) - and with reference to a front yard or rear yard shall mean the least horizontal distance between the front lot line and the main building or structure, or between the rear lot line and the main building or structure, respectively, disregarding entrance steps and unenclosed porches; (8646/59)
- and in computing the required depth of a rear yard abutting upon an alley which is a public highway, the depth of the rear yard may be measured from the centre line of the alley; (8414/58)
- and in the case of an irregular, triangular or gore-shaped lot, the average depth of the rear yard may be considered as the depth, provided, where the rear yard has the least actual depth, that there is an actual depth of at least 3.0 metres (9.84 feet) or half the required depth, whichever is the greater; (79-288) (80-049)
- (va) "Designate" means, when used to identify a use in a district by means of a table, the name of the use not prohibited in the district by reference to an "X" marked at the intersection of a horizontal column in the table containing the name of the use and a vertical column in the table containing the district symbol so that the district in which the use is not prohibited is the district whose symbol is located at the top of the vertical column in which the "X" is located; (83-228) (92-246)
- (vi) "Existing" shall mean existing as of the date of the passing of any applicable provision of this By-Law;
- (vii) "Family" shall mean a person or a group of two or more persons occupying premises and living as a single housekeeping unit, whether or not related to each other by blood or marriage, and shall include bona fide domestic servants employed as such on the premises, but not any lodger; as distinguished from a person or group of persons occupying a room or suite in a hotel, hostel or lodging house; (81-27)
- (viii) "Grade" with reference to the height of a building or structure, wherever curb-level has been established, shall mean the elevation of curb level opposite the highest point of the building or structure, on a line perpendicular to the street line, or, wherever curb-level has not been established, or wherever the mean elevation of the ground adjoining the building or structure on all sides and within 4.5 metres (14.76 feet) of it is higher than curb-level opposite the highest point of the building or structure, then grade shall mean the mean elevation of all the ground adjoining the building or structure and within 4.5 metres (14.76 feet) of it, (79-288) (80-049)

MISCELLANEOUS DEFINITIONS - TECHNICAL (CONT'D)

2. (2) J. (viii) Provided, however, that wherever a lot other than a corner lot abuts upon two or more streets having different elevations opposite the lot, the higher of such elevations shall be considered as grade for only half of the depth of the building or for a depth of 36.0 metres (118.11 feet) measured perpendicularly from the street line of the higher street, whichever is the lesser distance, (79-288)

And provided further, that with reference to the height of a building or structure on a corner lot, grade shall mean the average elevation of the curb levels opposite the building or structure on the two streets, or the mean elevation of all the ground adjoining the building or structure and within 4.5 metres (14.76 feet) of it; (79-288)

- (viiia) "**Gross Floor Area**" with reference to the maximum permissible floor area of a building or structure in relation to the area of the lot on which it is situate means the aggregate of the areas of the building or structure at each storey, including mezzanine floors and a basement but not a cellar or sub-cellar;

Provided that the following may be deducted for the purpose of determining the gross floor area permissible under the provisions of this By-Law, namely:

- (i) floor area occupied by boiler rooms, air-conditioning equipment rooms, elevator shafts, machinery rooms and other building plant equipment rooms except laundry rooms and storage rooms;
- (ii) chimney shafts, garbage chutes and pipe shafts;
- (iii) parking spaces, access driveways and manoeuvring space; and
- (iv) all floor area of halls, corridors and stairwells beyond the minimum area required by law;

and in calculating such deductions, measurements shall be to the centre of interior walls or partitions, and to the outside of exterior walls, except in the case of chimneys and elevator shafts, when the whole area of the walls shall be included in the calculation of area to be deducted; (8329/58, 9451/61, 9932/63)

MISCELLANEOUS DEFINITIONS - TECHNICAL (CONT'D)

2. (2) J. (viii b) "**Habitable Room**" means any room of a residential building or an institutional building, used or capable of being used by one or more persons for living, eating or sleeping, or as a kitchen serving a dwelling unit; but does not include a bathroom, water-closet compartment, laundry, serving or storage pantry, corridor, cellar or other space not for use frequently or during extended periods. (9451/61)
- (viii c) "**Harbour Baseline**" means the limit of Hamilton Harbour which is shown on the district maps and which comprises a boundary of a district where the district extends inland, all of which said district boundaries are shown on Schedule "K". (83-238)
- (ix) "**Height**" with reference to a structure, shall mean the vertical distance from grade to the top of same, and in the case of a structure upon a building, it shall also mean the vertical distance from grade to the top of the structure.
- with reference to a building, it shall mean the vertical distance from grade to the highest point of same, including a penthouse or other such building or portion of a building designed, adapted or used as such, but not including a chimney, smokestack, fire wall, parapet wall, fire tower, water tower, tank, elevator bulkhead, ventilator, skylight, cooling tower, derrick, conveyor, antenna, or any other such requisite appurtenance, or a flagpole display sign, ornamental figure or other such structure;
- with reference to a storey or to a cellar, it shall mean the vertical distance from the surface of the floor of same to the surface of the floor, roof-deck or ridge next above it;
- and where the height is designated in terms of storeys, it shall mean the number of storeys, contained between the roof and the floor of the first storey. (78-258)
- (x) "**Hereafter**" shall mean after the date of the passing of any applicable provision of this By-Law;
- (xa) "**Highway**" includes a common and public highway, street, avenue, alley, parkway, driveway, square, place bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles; (83-66)
- (xb) "**Landscaped Area**" shall mean an area of land provided and maintained on the same lot on which the building or structure is situated, no part of which shall be other than: (76-148) (83-66)

MISCELLANEOUS DEFINITIONS - TECHNICAL (CONT'D)

2. (2) J. (xb) (a) fully and completely open and exposed to natural light and air and unobstructed above the surface, and, (76-148)
- (b) used exclusively for scenic, recreational or like uses, and
- (c) not less than 50% of which shall be natural earth comprised of the natural planting of grass lawns, trees, shrubs and flowers in such manner as to establish and enhance the beautification of the landscaped area and any building or structure on the same lot, and may include a planting strip

but shall not include area used for parking space, manoeuvring space, access or egress driveways or any other vehicular purpose of any kind, nor any area occupied by an accessory building, nor any open space beneath, within or on the roof of any building except where permitted in a district. (76-148) (83-66)

- (xi) "Lot" shall mean a parcel of land the boundaries of which are described in accordance with a registered conveyance or conveyances, occupied, or to be occupied by a building, structure, a group of buildings or structures or of buildings or structures in a single establishment, or a use together with any accessory building, structure or use, and including all yards and open spaces required by this By-Law and shall include a Lot of Record; (9776/62)
- (xii) "Lot-Line" shall mean any boundary line of a lot;
- (xiii) "Lot-Line Front" with reference to an interior lot shall mean the boundary line along the street; with reference to a corner lot shall mean either of the boundary lines along a street at the option of the owner, provided that where one of such boundary lines along a street is chosen as the front lot line, the other shall be considered as a side lot line; and with reference to a through lot shall mean and include each of the two shorter boundary lines along streets; (9057/60)
- (xiv) "Lot-Line, Rear" shall mean the lot line farthest from and opposite to the front lot line of any lot except a through lot;
- (xv) "Lot-Line, Side" shall mean any lot line except a front lot line or a rear lot line;
- (xvi) "Lot, Corner" shall mean a lot situated at the intersection of and abutting upon two streets or upon two parts of the same street, the adjacent sides of which upon the street lines contain an angle of not more than one hundred and thirty-five degrees,

MISCELLANEOUS DEFINITIONS - TECHNICAL (CONT'D)

2. (2) J. (xvi) Provided that any portion of a corner lot distant more than 46.0 metres (150.92) feet from the corner, measured along the street line, shall not for the purpose of determining required yard space be deemed to be part of a corner lot, but of an interior lot, (8972/60) (79-288) (80-049)

NOTE: See Section 18(3)(i) for lots on curved street lines.

(xvii) "Lot, Interior" shall mean any lot except a corner lot;

(xviii) "Lot, Through" shall mean an interior lot having separate frontages upon two streets which are parallel with each other or which run in nearly the same direction; (7535/55)

(xix) "Lot of Record" shall mean and include the following:

- (1) a lot according to a plan of subdivision registered prior to the day of the passing of this By-Law; (10544/64)
- (2) a lot, the conveyance or conveyances to the owner which was or were registered prior to the day of passing of this By-Law as long as the title thereto continues in a single ownership;
- (3) a lot a part or parts of which has or have been conveyed to or acquired by The Corporation of the City of Hamilton, by Her Majesty in the right of Canada, and by Her Majesty in the right of Ontario.

Provided that for the purpose of this definition a plan of subdivision or a deed approved by the Planning Board for registration, prior to the day of the passing of this By-Law, shall be deemed to have been registered on the date such approval was given;

And provided further that the reference to "the day of the passing of this By-Law" in sub-paragraphs (1) and (2) above, shall, with regard to those lands subsequently brought within the limits of the City of Hamilton by annexation or otherwise, be deemed to mean the day upon which the provisions of this By-Law were first made applicable thereto;

And provided further that for the purposes of this definition "registered plan of subdivision" shall not be deemed to include any land within a registered plan of subdivision which has been designated as land to be deemed not to be within a registered plan of subdivision, by By-Law pursuant to the provisions of The Planning Act, unless the owner of such land does not have the fee or the equity of redemption in any land abutting the same. (7634/55) (10544/64)

MISCELLANEOUS DEFINITIONS - TECHNICAL (CONT'D)

2. (2) J. (xixa) "Motor Vehicle" includes an automobile, motorcycle, motor assisted bicycle unless otherwise indicated in The Highway Traffic Act, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of the Highway Traffic Act; (83-66)
- (xixb) "Park" or "Parking" means the standing or leaving of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in the unloading of merchandise or passengers; (83-66) (92-170)
- (xixc) "Parking Angle" means the acute angle measured between the longitudinal centre line of a parking space and the centre line of the abutting manoeuvring space, aisle or alley; (83-66)
- (xixd) "Permitted" when used in reference to a use of land or purpose for which land may be used means a use of land that is not prohibited under this By-Law or amendment thereto. (83-228) (92-170)
- (xx) "Storey" shall mean that portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor, roof deck or ridge next above it, except an attic storey:
- (xxia) "Storey, Attic" shall mean the protion of a building situated wholly, or in part, within the roof and which is not a half-storey; (97-112)
- (xxib) "Storey, Half" shall mean that portion of a building situated wholly or in part within a sloping roof and in which:
- (a) there is sufficient space to provide a height between finished floor and finished ceiling of at least 2.3m (7 feet, 7 inches) over a floor area equal to at least fifty percent of the area of the floor; or
- (b) there is sufficient space to provide a height between finished floor and finished ceiling of at least 2.1m (6 feet, 11 inches) over all of the area of the floor. (79-288) (80-049) (97-112)
- (xxii) "Storey, First" shall mean the storey with its floor closest to grade and its ceiling more than 1.8 metres (5.91 feet) above grade. (78-258) (80-049)
- (xxiii) "Street Line" shall mean any boundary line of a street;

MISCELLANEOUS DEFINITIONS - TECHNICAL (CONT'D)

2. (2) J. (xxiia) **"Trailer"** means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, notwithstanding that such vehicle is jacked up. (83-66)
- (xxiv) **"Tract of Land"** shall mean a parcel of land the boundaries of which are described in accordance with a registered conveyance or conveyances; (9776/62)
- (xxiva) **"Use Not Prohibited"** in a table means a use of land or purpose for which land may be used set out in the table and respecting which there may be a corresponding identification number; (83-228) (92-246)
- (xxivb) **"Vehicle"** includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or cars of electric or steam railways running only upon rails; (83-66)
- (xxivc) **"Visual Barrier"** shall mean a continuous, uninterrupted structure which completely blocks lines of sight when viewed perpendicularly from either of its sides and shall consist of one or more of the following materials: wood, stone, bricks, mortar, fabricated metal or other similarly solid material. (82-186) (83-228) (92-170)
- (xxv) **"Width"** with reference to a lot, except a lot referred to in subclause (xxva), shall mean the horizontal distance between the side lot lines measured at a depth of 9.0 metres (29.53 feet) from and parallel to, the front lot line or from the chord of the front lot line. (8956/60) (9776/62) (78-234) (79-288) (80-049)
- (xxva) **"Width"** with reference to a lot that is a corner lot where corner rounding or daylighting has occurred shall mean the horizontal distance between the side lot lines or between a side lot line and the tangent of the side lot line, measured at a depth of 9.0 metres (29.53 feet) from and parallel to the front lot line or to the extended tangent of the front lot line to where the tangent of the front lot line intersects the tangent of the side lot line. (78-234) (80-049)
- (xxvb) **"Width"** with reference to a side yard shall mean the mean horizontal distance between a principal building and the side lot line. (78-234)
- (xxvi) **"Yard"** shall mean an open, uncovered and unoccupied space, appurtenant to a building or structure and on the same lot therewith, and unobstructed either from the ground upward or in the case of a front yard, side yard or rear yard required only above a certain level, then unobstructed from that level upward. (8875/60) (9776/62)

MISCELLANEOUS DEFINITIONS - TECHNICAL (CONT'D)

2. (2) J. (xxvii) "Yard, Front" shall mean a yard extending across the front of a lot from side lot line to side lot line, and from the front lot line to a principal building or structure, disregarding front steps and unenclosed entrance porches;
(See Section 8(3)(vi)(d) (9776/62)
- (xxviii) "Yard, Rear" shall mean a yard extending across the rear of a lot, i.e., at the opposite end from the front lot line, from side lot line to side lot line, and from the rear lot line to a principal building or structure, disregarding rear steps and unenclosed entrance porches; (9776/62)
- (xxix) "Yard, Side" shall mean a yard between a side lot line and a main building, and extending from the front yard to the rear yard, except where there is no front yard or rear yard, in which case the front or rear boundary of a side yard shall be the front lot line or rear lot line, as the case may be; and on a corner lot, a side yard abutting a street line shall be a flankage side yard (9776/62) (83-228)

MISCELLANEOUS DEFINITIONS, NON-TECHNICAL

2. (2) K. (i) "Building By-Law" shall mean and include any and every By-Law of the City of Hamilton regulating the erection or alteration of buildings;
- (ii) "Building Commissioner" shall mean that city official who is charged with the duty of enforcing the Building By-Law;
- (iii) "City Corporation" shall mean The Corporation of the City of Hamilton;
- (iv) "Committee" shall mean the Committee of Adjustment for the hearing of applications for exemption from or modification of this By-Law as provided by statute;
- (v) "Council" shall mean the council of The Corporation of the City of Hamilton;
- (vi) "District" shall mean and include all those areas of the city as shown on the maps appended to and forming part of this By-Law, for which the requirements of the use of land, and the use, height and spacing of buildings and structures are uniform.

MEASUREMENT OF LOT WIDTHS

2. (3) For the purpose of subclause (xxv) of clause J of subsection 2,
- (a) the depth of 9.0 metres (29.53 feet) shall be measured along a line that is at a right angle to the front lot line or to the chord of the front lot line; (78-234) (80-049)
 - (b) the chord of the front lot line is a straight line joining the two points where the side lot lines intersect the front lot line at the street extremities of the lot. (78-234)
- (4) For the purpose of subclause (xxva) of clause J of subsection 2,
- (a) the depth of 9.0 metres (29.53 feet) shall be measured along a line that is at a right angle to the front lot line or to the tangent of the front lot line. (78-234) (80-049)
- (5) For the purpose of subclause (xxvb) of clause J of subsection 2,
- (a) where a side yard abuts upon an alley which is a public highway, in computing the required width of a side yard abutting upon the alley, not more than one-half the width of the alley may be considered as a portion of the side yard to the extent necessary to abate the required width of the side yard by not more than one-half. (7085/53) (8414/58) (78-234)
- (6) For the purpose of subclauses (xxv), (xxva) and (xxvb) of clause J of subsection 2,
- (a) where the side wall of a building is not approximately parallel with the nearest side lot line, or where the side yard is irregular in shape, the average width of the side yard may be considered as the width, provided the narrowest part has an actual width of at least 0.9 metres (2.95 feet) or half the required width, whichever is the greater. (78-234 effective November 8, 1978) (80-049)

SECTION THREE - APPLICATION OF BY-LAW

TERRITORY

3. (1) Save as in this Section otherwise provided, the provisions of this By-Law shall apply throughout the various districts of the City of Hamilton as shown in the various maps appended to and forming part of this By-Law, and to the adjoining shores of Hamilton Harbour, Cootes Paradise and Lake Ontario, including land covered by water wherever there is or may be erected any jetty, boathouse, pier or other building or structure.

NON-CONFORMING USES

- (2) As provided in The Planning Act, the provisions of this By-Law shall not apply, (7625/55) (92-170)
- (a) to prevent the use of any land, building or structure for any purpose prohibited by the By-Law if such land, building or structure was lawfully used for such purpose on the day of the passing of the By-Law, so long as it continues to be used for that purpose; or (8283/58) (92-170)
- (b) to prevent the erection or use for a purpose prohibited by the By-Law of any building or structure for which a permit has been issued under Section 5 of The Building Code Act, prior to the day of the passing of the By-Law so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under Section 6 of The Building Code Act. (7625/55) (8283/58) (92-170)
- (2a) Wherever under a lawful order of the Building Commissioner, Chief Fire Prevention Officer or Medical Officer of Health of the City of Hamilton it is necessary to construct or install any support or means of egress or sanitary facilities, or erect a fence or perform any other work with respect to any building, structure or premises, in such a manner as, but for this provision, would create a breach of this By-Law, and where such construction, installation or other work as aforesaid is not rendered necessary as a result of a breach of the provisions of this By-Law, the provisions of this By-Law shall not apply so as to prevent the carrying out of any such construction, installation or other work as aforesaid, (7814/56)
- Provided that the foregoing shall not be deemed to authorize an alternative method of carrying out any construction, installation or other work as aforesaid, which can be carried out in conformity with the requirements of this By-Law. (7252/54) (7814/56)
- (2b) Notwithstanding any other provision of this By-Law, the provisions of this By-Law shall not apply to prevent the use of any land adjoining a public hospital or on the opposite side of a highway from a public hospital, or the purpose of parking spaces for ambulances, and of motor vehicles of physicians, surgeons, patients and visitors at the public hospital, and of employees working at the public hospital; (9819/62) (92-170)

CERTAIN USES NOT RESTRICTED (CONT'D)

Public Uses (Cont'd)

3. (3) (iv) A police station, fire station, filtration plant, sewage disposal plant, or, subject to the foregoing, any other such publicly-owned and operated property except
- (a) a public hospital, gaol, reformatory, industrial refuge, training school, sanatorium or other such institutional use;
 - (b) a liquor or beer store or other commercial use, even though publicly-operated; or
 - (c) a garbage dump, public incinerator, city yard, district yard, pound or other such public uses;
- (v) A Church, Sunday School or other place of worship, with or without a parish hall; (6902/52)
- (vi) A statue, monument, cenotaph, fountain or other such memorial or ornamental structure;
- (vii) A street or alley save as may be specifically provided with respect to modification of yard requirements or otherwise;
- (viii) A public park managed and controlled by a local or other government body, or a publicly operated airport or airfield;
- (ix) Any properly authorized traffic sign or signal, any public election list or government proclamation, any sign or notice of the Local Board of Health, the Provincial Department of Highways, the Department of Mines and Resources, or other local or other government department or authority, any sign or notice authorized by The Official Notices Publication Act or by any other public Act, Regulation or By-Law, or any sign or notice mentioned in The Stallion Act or The Protection of Cattle Act, or other sign or notice similarly contemplated by Statute for the promotion of the public interest;
- (x) Repealed by By-Law No. 79-208
- (xi) A bulletin board for a Church, college, library, fairground, bowling green, community centre or other public use, if conforming to the same conditions as required for a hospital bulletin board, above; (92-170)

Commercial Uses

- (xii) A freight or passenger pier, or a warehouse or other such use managed or controlled by The Hamilton Harbour Commissioners or other government authority, and in or adjacent to the shore of Hamilton Harbour; (6902/52)

CERTAIN USES NOT RESTRICTED (CONT'D)

Commercial Uses (Cont'd)

3. (3) (xiii) An electric power distribution station or transformer station or office pertaining thereto managed or controlled by the Ontario Hydro, or the Hamilton Hydro Electric System or other Government authority provided that there is no storage yard, except where specifically permitted within the district, and subject to the provisions of By-Law No. 79-275 (6902/52) (9438/61) (76-263) (82-185) (92-170)
- (xiv) An electric communication or power transmission line;
- (xiva) Repealed by By-Law No. 79-208.
- (xv) A post office or postal substation of the government of Canada or a telephone exchange or telegraph office not having a service yard or storage yard, except where specifically permitted within the district; (6996/52) (9438/61)
- (xvi) A railroad right of way and passenger station or other public transportation right of way and passenger station together with the necessary facilities, but not including any switch track, loading or unloading track, or freight or classification yard; except where specifically permitted within the district; (9438/61)
- (xvii) An underground transmission line for hot air, steam, gas, oil, oxygen or other fluid, together with the necessary measuring or pressure reduction stations or other essential facilities, provided there is no storage yard, and provided further, that every such measuring or pressure reduction station and other essential facility is designed, located, and erected or installed so as to be as compatible as reasonably may be, with the character of the district and the surrounding area. (8099/57) (8176/58) (8730/59)
- (xviii) An airport or airfield;
- (xix) (Deleted by 72-90) (Doctors Offices)
- (xx) A sign advertising the rental or sale of any premises or part thereof, provided it conforms to the same conditions as required for a hospital bulletin board, above, but this proviso shall not apply in any district where such signs are specifically permitted; (9438/61)

Farming Uses

- (xxi) The growing of vegetables, fruits, flowers, lawns, shrubs or trees;
- (xxii) A one-storey temporary roadside stand of a height of not more than 4.0 metres (13.12 feet) and an area of not more than 19.0 square metres (204.51 square feet), situate at least 7.5 metres (24.61 feet) from the nearest street, on



CERTAIN USES NOT RESTRICTED (CONT'D)

Farming Uses (Cont'd)

3. (3) (xxii) a lot of an area of not less than 12,000.0 square metres (cont'd) (2.97 acres), during such seasons only as the same is in use, and used for no other purpose than the display or sale of farming products of the premises, and which may include one sign of an area of not more than 1.2 square metres (12.92 square feet), for advertising such products, which sign is at least 3.0 metres (9.84 feet) from the nearest street; (79-288) (80-049) (92-170)

Uses Incidental to Construction

- (xxiii) A construction camp or other such temporary work camp of a contractor, on privately owned lands and incidental to, exclusively devoted to and necessary in connection with, work in process of being carried out by him, for so long only as is reasonably necessary, but this shall not include any commercial or industrial operation that it is not normally and reasonably necessary to carry on at the site of such work being carried out by the contractor as aforesaid; (9255/61)
- (xxiv) A tool-shed, scaffold or other building or structure incidental to construction on the premises or adjoining premises, for so long only as the same is reasonably necessary for work in progress which has neither been finished or abandoned; (9438/61)
- (xxv) A sign incidental to construction on the premises, of an area of not more than 5.0 square metres (53.82 square feet); (without that limitation, not allowed anywhere) (79-288) (80-49)

Accessory and Incidental Uses

- (xxvi) A watermain or sewer either maintained by or authorized by competent public authority;
- (xxvii) A "No Trespassing" or other announcement sign other than an advertisement, if of an area of not more than 0.2 square metres (2.15 square feet); (without that limitation, not allowed anywhere) (79-288) (80-049)
- (xxviii) The growing of vegetables, fruits, flowers, shrubs or trees; or to
- (xxix) Any accessory building, structure or use not contrary to law, save as otherwise provided or limited by this By-Law.

HEIGHT OF CERTAIN BUILDINGS AND STRUCTURES NOT RESTRICTED

3. (4) The provisions of this By-Law shall not apply to limit the height of any silo, windmill or other farm building or structure, or of any belfry or church spire, or of any ornamental dome, cupola, or clock tower, or communications transmitting and receiving antennae, tower or mast. (79-208)

JOINT SCHOOL-PARK SITE

- (5) For the purpose of area requirements, intensity of use requirements and floor area ratio requirements, the lands of a Board of Education and of The Corporation of the City of Hamilton in a joint school-park site, shall be considered to comprise a single establishment. (10836/65)

SIGNS

(Subject to Planning Department Approval)

- (6) Signs located at the entrance of subdivisions showing the lay-out of the subdivision and the proposed land use in the surrounding area; (73-135)
- (7) Signs located on a parcel or block of land proposed for multiple dwellings or commercial use showing the proposed multiple dwellings or commercial use. (73-135)
- (7a) A public notice sign situate on a parcel of land in respect of which the matters expressed in the content of the sign apply. (87-79)

BUS SHELTERS

- (8) Notwithstanding any provision of this By-Law, bus shelters constructed and maintained for a municipal transit authority shall be permitted in required yards in all districts. (83-168) (83-193) (92-170)

LOTS SITUATED IN TWO OR MORE ZONES

- (9) Notwithstanding any provision of this By-Law, a building or structure may be erected, altered, extended or enlarged within one or more districts applicable to a lot or tract of land where, (83-193) (92-170)
- (a) the use is permitted in each of the districts; and
- (b) the lot or tract of land complies with the least stringent width and area requirements of the district containing the requirements; and
- (c) except as provided in clause (b), the building or structure complies with all other requirements of each of the districts applicable to the lot or tract of land.

PRIOR EXISTING USE

3. (10) The following use existing on the date of the passing of By-Law No. 90-248, and any alteration, extension or enlargement of the continuing use after the passing of the By-Law, shall be permitted: (By-Law No. 90-248, passed on August 28, 1990).
 1. A day nursery duly licensed under the Day Nurseries Act, R.S.O. 1980, c. 111, provided that the provincial licence is in force and effect on the date of the passing of By-Law No. 90-248.

SECTION FOUR - PROHIBITED USES

4. (1) The erection is hereby prohibited, of a building or structure for residential or commercial purposes on land where by reason of its low-lying, marshy or unstable character, the cost of construction of satisfactory waterworks, sewage or drainage facilities is prohibitive.
- (2) The use of tents for human habitation or for business or other purposes is hereby prohibited, except as follows:
- (a) The above provision shall not apply to the use of tents for summer camps and for circuses and other like uses of a transient nature;
 - (b) The above provision shall not apply to the use of tents for children's play, or for picnics or other such temporary non-business purposes; and
 - (c) The above provision shall not apply to the temporary use of tents within a "G", "G-1" or "G-2" District, for business purposes, provided that:
 - (i) the temporary business uses shall be restricted to accessory uses, only in conjunction with an established permitted use; and
 - (ii) a temporary business use within a tent shall be permitted for a period not to exceed 120 days annually; and
 - (iii) any tent, or combination of tents, uses for temporary business purposes on any one lot, shall not occupy more than 10% of the total number of parking spaces provided on the lot. (92-170) (94-110)
- (3) (a) No building shall be erected or converted or used for residential purposes on any lot or tract of land on which any other building other than an accessory building has already been erected or converted, and no building other than an accessory building shall be erected or converted or used on any lot or tract of land on which a residential building has already been erected or converted, save where specifically permitted elsewhere in the By-Law. (8035/57) (8605/59) (8670/59) (8956/60)
- (b) The erection or conversion or use of a building for any residential or institutional purposes upon a lot or tract of land which does not for a distance of 4.5 metres (14.76 feet) abut upon a public highway of a width of at least 12.0 metres (39.37 feet) is hereby prohibited; (79-288) (80-049)
- Provided that clauses (a) and (b) shall not apply to:
- (c) An eating establishment between a hotel or motel and the public highway; or (8670/59) (8956/60) (84-200)
 - (d) Any building or structure on any of the following public highways or private ways established and so used on the 29th day of March, 1960, namely;

PUBLIC USES

14. (1) (vii) Any public use as permitted in an "E" or "G" District;

COMMERCIAL USES

- (viii) Any commercial use permitted in an "E" or "G" District without limitation of the number of employees except a massage parlour, public bath or a theatre. (78-184)
- (ix) A pharmaceutical, chemical, physical or optician's Laboratory, but not including a factory;
- (x) A commercial school or a motion picture studio, a radio broadcasting station, with or without a studio or theatre. (84-157)
- (xi) A second-hand goods shop, pawnbroker's shop, pet shop, open-air market or retail store of any kind, including a liquor dispensary or brewer's warehouse. (7058/53) (7129/53)

Provided, however, that a second-hand goods shop in an "H" District shall be one where there are sold or offered or exposed for sale only clothes, jewellery, watches, clocks, flatware, tableware, house furniture, house furnishings or other such household or personal effects, and by retail only, and where no second-hand pipe or other plumbing or building materials or fixtures are sold or offered or exposed for sale, or kept or had, nor any second-hand motor vehicle or bicycle parts, tires or accessories, nor any scrap metal, waste paper, rags, bones, bottles or other such second-hand or salvaged materials or things; (7085/53)

- (xii) Repealed (78-184)

- (xiii) Repealed (78-184)

- (xiv) An auctioneer's premises, a book-binder's or carpenter's shop which is not a factory, any automobile service station or other public garage excluding all body and fender repairing for which special equipment is usually used, and provided that all gasoline storage is in underground tanks, a locksmith's shop, a painter's shop which is merely incidental to a permitted use but not including spray painting, or a plumber's shop or other workshop, but excepting a blacksmith's shop, welder's shop, tinsmith's shop, auto body and fender repair shop, auto wrecking or salvage shop, or any shop which is a factory; (6908/52) (78-184) (90-232)

- (xv) An animal hospital, kennel or any building or structure where animals are commercially kept or raised, if distant at least 30.0 metres (98.43 feet) from any residential district, but this clause shall not be construed as permitting a livery stable or riding academy, or as limiting the location of a pet shop; (9438/61) (79-288) (80-049)

COMMERCIAL USES (CONT'D)

14. (1) (xvi) A billboard, roof-sign, overhanging sign or other sign or notice;
- (xvii) Storage of goods to be manufactured, assembled or sold upon the premises, if occupying not more than twenty-five per cent of the floor area;
- (xviia) Either a manual car wash or a mechanical car wash, utilizing not more than one bay or stall, accessory to an automobile service station or public garage if, (72-224)
- (a) the car wash is in the same building, and
- (b) not more than 30% of the gross floor area of the service station or other public garage building is used for the purpose of the car wash, and (73-128) (74-44) (74-46) (76-40).

Explanatory Note:

By-Law No. 76-40 states as follows:

1. By-Law No. 72-224 passed on the 30th day of August, 1972, and re-enacted by By-Law No. 74-44 passed on the 26th day of February, 1974, as amended by By-Law No. 73-128 passed on the 24th day of April, 1973, and re-enacted by By-Law No. 74-46 passed on the 26th day of February, 1974, shall not apply to,
- (a) a manual car wash, mechanical car wash, coin-operated car wash or high speed mechanical car wash erected or constructed and in operation prior to August 30, 1972;
- (b) the automobile service station located at the north-east corner of Mohawk Road East and Upper Wellington Street, more particularly shown on Schedule "A" hereto annexed and forming part of this By-Law.

(xviib) A charity gaming club, provided that:

- (a) it is located within the Area shown on Schedule "M"; and,
- (b) no institutional or residential uses, except a hotel, are permitted within the same building, unless such institutional or residential use, is
- (i) functionally completely segregated from the charity gaming club, including pedestrian movement to and from such residential or institutional uses; and
- (ii) not interrupted by or projected into or through, any area otherwise,
- A. accessory, incidental, allocated to or continuous with the charity gaming club, or
- B. within any area devoted to the charity gaming club. (97-073)

SECTION FIVE - DISTRICTS AND BOUNDARIES THEREOF

5. (1) For the purpose of this By-Law, the planning area of the City of Hamilton, including such portions of the bed of Hamilton Harbour as are herein before in Section 3 indicated, shall be divided into the following classes of districts or zones, namely:

A	Districts,	(6593/50)	(71-327)
AA	Districts,	(8320/58)	(71-327)
B	Districts,	(6593/50)	(71-327)
B-1	Districts,	(6549/52)	
B-2	Districts,	(8791/59)	
C	Districts,		
R-4	Districts,	(82-45)	
D	Districts,		
DE	Districts,	(8087/57)	
DE-2	Districts,	(10307/64)	
DE-3	Districts,	(10209/63)	
RT-10	Districts,	(72-239)	(78-45)
RT-20	Districts,	(72-239)	(78-45)
RT-30	Districts,	(78-45)	
E	Districts,		
E-1	Districts,	(7176/53)	
E-2	Districts,	(8319/58)	
E-3	Districts,	(9451/61)	
F	Districts,		
F-1	Districts,	(83-231)	(awaiting O.M.B. approval)
F-2	Districts,	(83-239)	(90-149)
F-3	Districts,	(83-239)	(90-149)
F-4	Districts,	(83-239)	(90-149)
G	Districts,		
G-1	Districts,	(7389/54)	
G-2	Districts,	(8329/58)	
G-3	Districts,	(8987/60)	
G-4	Districts,	(9058/60)	
H	Districts,		
HH	Districts,	(8320/58)	
I	Districts,		
HI	Districts,	(8769/59)	
CR-1	Districts,	(73-233)	
CR-2	Districts,	(73-233)	
CR-3	Districts,	(73-233)	
J	Districts,		
JJ	Districts,	(8320/58)	
J-3	Districts,	(9907/62)	
K	Districts,		
KK	Districts,	(8320/58)	
L	Districts,	(71-318)	
M-11	Districts,	(74-151)	
M-12	Districts,	(74-151)	
M-13	Districts,	(74-151)	
M-14	Districts,	(74-151)	
M-15	Districts,	(77-277)	
U	Districts,	(67-278)	

DISTRICTS AND BOUNDARIES THEREOF (CONT'D)

5. (2) The extent and boundaries of all the said districts shall be as shown on the district maps hereunto annexed, comprising Sheets Numbers: (6763/51)

E1, E2, E3, E4, E5, E6, E7, E8, E9, E9A, E9B, E9C, E9D, E9E

E10, E11, E12, E13, E14, E15, E16, E17, E18, E18A, E18B, E18C, E18D, E18E

E19, E20, E21, E22, E23, E24, E25, E26, E27, E27A, E27B, E27C, E27D, E27E

E28, E29, E30, E31, E32, E33, E34, E35, E36, E37, E38, E38A, E38B, E38C, E38D, E38E

E39, E40, E41, E42, E43, E44, E45, E46, E47, E48, E49, E49A, E49B, E49C, E49D, E49E

E50, E51, E52, E53, E54, E55, E56, E57, E58, E59, E59A, E59B, E59C, E59D, E59E

E60, E61, E62, E63, E64, E65, E66, E67, E68, E69, E69A, E69B, E69C, E69D, E69E

E70, E71, E72, E73, E74, E75, E76, E77, E78, E79, E79A, E79B, E79C, E79D, E79E

E80, E81, E82, E83, E84, E85, E86, E87, E88, E89, E89A, E80A, E80B, E80C, E80D, E80E, E80F, E80G, E80H

E90, E91, E92, E93, E94, E95, E96, E97, E98, E99 E100, E101, E102, E103, E104, E105, E106, E107, E108

E111, E112, E113, E114, E115

E121, E122, E123, E124, E125

(6763/51) (6902/52) (7405/54) (8320/58) (8469/58) (9895/62)
(72-169)

W1, W 2, W3, W4, W5, W6, W7, W8, W9, W9A, W9B, W9C, W9D, W9E W11, W12, W13, W14, W15, W16, W17, W17A, W17B, W17C, W17D, W17E

W18, W19, W20, W21, W22, W23, W24, W25, W26, W27, W27A, W27B, W27C, W27D, W27E

W28, W29, W30, W31, W32, W33, W34, W35, W36, W37, W37A, W37B, W37C, W37D, W37E

38, W39, W40, W41, W42, W43, W43A, W43B, W43C

W44, W45, W46, W47, W48

W50, W51 and W52 (6763/51) (7405/54) (9895/62)

which maps, together with the notations, references and other information shown thereon, and the Key Map also attached hereto are hereby incorporated in and declared to form part of this By-Law, in the same way as if described in words herein. (6763/51)

DISTRICTS AND BOUNDARIES THEREOF (CONT'D)

5. (3) The alphabetical symbols set forth in this Section may be used to refer to the kinds of buildings and structures, and the uses of buildings and structures, and of land, as permitted by this By-Law in the said districts, and whenever in this By-Law the word "district" is used, preceded by any of the said symbols, the combination shall mean each and every area delineated on the district Map and designated thereon by the said symbol.
- (4) Where any uncertainty exists as to the location of the boundary of any district as shown on the district maps, the following rules shall apply:
- (a) Where a district boundary is indicated as following a street or alley, the boundary shall be the centre line of such street or alley;
 - (b) Where a district boundary is indicated as approximately following lot lines shown on a registered plan of subdivision, the boundary shall follow such lot lines;
 - (c) Where a district boundary is indicated as approximately parallel to any street line, and the distance from street line is not indicated, such district boundary shall be construed as being parallel to such street line, and the distance therefrom shall be according to the scale shown on the district maps;
 - (d) Where the boundary of any district follows the shoreline of Hamilton Harbour, Cootes' Paradise or Lake Ontario, such boundary shall be deemed to include within the same at all times, all land to the water's edge, and all land covered with water, wherever any jetty, boathouse, pier or other building or structure is or is proposed to be erected.
- (5) Whenever any street or alley or portion thereof is closed, or whenever any land included in any railway right-of-way shall cease to be used for railway purposes, the land formerly included in such street, alley or railway right-of-way shall henceforward be deemed to be included within the district in which the same was until then situate, or, wherever any such street, alley or railway right-of-way was on a district boundary, then the land formerly included in any such street, alley or railway right-of-way shall be deemed to be divided between the districts adjoining on either side, in such manner that the district boundary shall follow the centre line of such former street, alley or railway right-of-way.
- (6) By-law 9094/60 (Deleted by 9895/62)

SECTION SIX - GENERAL PROVISIONS

PROHIBITION AS TO USE

6. (1) Subject to the provisions of The Municipal Act, and save as hereinafter otherwise provided, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, in any district, for any purpose not in conformity with the requirements of this By-Law.
- (1a) No building or structure shall be erected, nor shall any land be used in any residential district, as defined in Section 2 (2) A of By-Law No. 6593, unless prior to the erection of the building or structure or use of the land, water services and access roads are available to service the land, buildings or structures.
- (1b) Subsection (1a) shall not apply where the Building Commissioner is in receipt of a written certificate, signed by a Professional Engineer, declaring that,
- (i) an existing charged hydrant is located within 150m, and
 - (ii) that an acceptable road access has been provided to within 90m,
- of the construction site lot line.
- (1c) For the purposes of subsection (1b) above, "acceptable road access" means an asphalt surface road, or a road that has been accepted as an access road by the Commissioner of Engineering for The Regional Municipality of Hamilton-Wentworth.

PROHIBITION AS TO HEIGHT

- (2) No building or structure in any district shall be erected or altered so as to be not in conformity with the requirements of this By-Law as to height.

NO ENCROACHMENT UPON YARD AREAS

- (3) Except as provided in subsection 3a the minimum yard and intensity of use requirements as indicated or set forth in this By-Law for any building or structure hereafter erected in any district shall not be encroached upon or considered as yard or intensity of use requirements for any other building or structure, nor shall any building or structure hereafter erected encroach for its yard or intensity of use requirements upon the yard or intensity of use of any other building or structure to such an extent that the yard or intensity of use of such other building or structure is thereby reduced below what the yard or intensity of use requirements would be for the same if it were a new building or structure. (82-78)



NO ENCROACHMENT UPON YARD AREAS (CONT'D)

6. (3a) Where in any district one side yard is not required for a single family dwelling, eaves, gutters and footings for a single family dwelling may encroach onto an abutting lot in the same district on which the single family dwelling is situate, a distance of not greater than 0.4 metres. (82-78)
- (3b) Notwithstanding subsection 3a, no eaves, gutters or footings for a single family dwelling may encroach onto the abutting lot in the same district except in accordance with,
- (a) an encroachment agreement between the owners of the abutting land; and
- (b) a maintenance easement entered into between the parties,
- properly registered on the title of each of the abutting lots. (82-78)

YARDS OF EXISTING BUILDINGS, ETC. (Not to be Reduced Below Minimum Requirements)

- (4) No lot or tract of land shall be reduced in area, by alienation, building construction or otherwise, so as to make any yard, either of a building or structure hereafter erected or of an existing building or structure, less than as required for a building or structure hereafter erected, nor shall any lot or tract of land upon which an existing building or structure is situate, and which provides less than the yard requirements would be for such existing building or structure if it were one hereafter erected, be further reduced by building construction, alienation or otherwise, but this provision shall not be deemed to prohibit the sale of one dwelling of a pair of semi-detached dwellings or of any dwelling of a row of attached dwellings, provided all the rooms of the same are lighted and ventilated from a yard upon the premises so sold, and from a street, (8835/59)

REQUIRED OPEN AREA NOT TO BE REDUCED

- (4a) The required open area of any lot or tract of land upon which any building or structure is hereafter erected shall not be reduced by alienation, building construction or otherwise, so as to make any such open area less than that required by the provisions of this By-Law; nor shall any lot or tract of land upon which any existing building or structure is situate and which provides less than the open area requirements would be for such existing building or structure if it were one hereafter erected, be further reduced by alienation, building construction or otherwise; (10379/64)

ADD YARDS AND LOADING SPACES UPON CHANGE OF USE

- (5) For every building or structure hereafter erected or altered for, or changed to, a commercial or industrial use, there shall be provided yards and loading space in conformity with the requirements set forth in this By-Law pertaining to such commercial or industrial use.

PARKING SPACES UPON CHANGE OF USE

6. (6) For every building or structure hereafter erected or altered for, or changed to, a commercial purpose, or to the purpose of a place of assembly other than a Church or Sunday School, there shall be provided parking spaces in conformity with the requirements set forth in this By-Law pertaining to such commercial use or place of assembly.

ZONING VERIFICATION CERTIFICATES (Certificates of Occupancy)

- (7) Any person may make application to the Building Commissioner for a zoning verification certificate, and every such certificate shall show the zoning designation of the lands in question, and whether or not the use or proposed use is permitted in the district in which the land is situate; by the provisions of the By-Law; and every such certificate shall also show, that it is not a certificate that any building or structure on the land complies with the provisions of The Ontario Building Code and Health By-Law for the purpose for which it is used or proposed to be used, or that a licence will be granted for such use. (6996/52) (9543/61) (92-170)

PARKING SPACES

- (8) Parking spaces provided for a commercial use or a place of assembly but not located on the same lot as the principal use shall not by alienation, building construction or otherwise be reduced to a number fewer than would be required if the principal use were to be hereafter first established, nor shall the number of parking spaces provided for an existing commercial use or place of assembly being fewer than would be required if one of those uses were to be hereafter first established, be further reduced. (10088/63)

CONVEYANCES TO CANADA OR ONTARIO

- (9) No person shall be deemed to have contravened any provision of this By-Law by reason only of the fact that any part or parts of any lot or tract of land has or have been conveyed to or acquired by Her Majesty in the right of Canada, Her Majesty in the right of Ontario or by any municipality or county. (10544/64).

TABLE OF USES

- (10) Where a table is headed "**Residential Uses**", a named permitted use in the table is a use of the land for residential purposes. (83-228)
- (11) Where a table is headed "**Public Uses**", a named permitted use in the table is a use of the land for public purposes. (83-228)
- (12) Where a table is headed "**Institutional Uses**", a named use in the table is the use of land for institutional purposes. (83-228)
- (13) Where a table is headed "**Commercial Uses**", a named permitted use in the table is a use of land for commercial purposes. (83-228)

TABLE OF USES (CONT'D)

6. (14) Where a table is headed "**Industrial Uses**", a named permitted use in the table is a use of the land for industrial purposes. (83-228)
- (15) Where a table contains a list for which one or more members of the list may have a corresponding identification number, the member of list shall be the use or purpose for which land may be used that is either Residential, Public, Institutional, Commercial or Industrial, as the case may be, and the member may be referred to by the name of the use or purpose in the list. (83-228) (92-246)
- (16) Where a designated use in a table contains the word "**other**", the designated use defines a use of land in general terms so as to permit a particular use of land not elsewhere referred to that conforms with any use designated in a table that may have at least the same first two digits in its corresponding identification number as in the four digit number identifying the use of the land in general terms. (83-228) (92-246)
- (17) Where a use may be identified by a number and designated in a table as a use not prohibited in a district, the use is the principal use and does not include any designated use identified by a different number. (83-228) (92-246)
- (18) Every designated use in a table may be referred to by its identification number in lieu of the designated use and the reference shall mean and have the same force and effect as a reference to the designated use. (83-228)

FREEWAY STANDARDS

- (19) (a) Notwithstanding any other provision of this By-Law, no residential structure shall be located closer than 22.86m (75 feet) from the Mountain Freeway right-of-way proper (excluding access ramps); (92-170)
- (b) Notwithstanding any other provision of this By-Law, no structure shall be located within 15.24m (50 feet) of the limits of the Mountain Freeway. (92-170)

SECTION SEVEN - "A" DISTRICTS

(CONSERVATION, OPEN SPACE, PARK AND RECREATION)

REQUIREMENTS AS TO USE

7. (1) Subject to the provisions of Sections 3, 18, 18A, and 19, in an "A" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, for other than one or more of the following uses, namely: (8158/57) (71-327) (83-66)

PUBLIC USES

- (i) A public or private forest, wildlife reservation or other conservation project, or a reservation for hiking, picnicking, skiing, or other such outdoor sports; (85-82)
- (ii) A golf course, bowling green, tennis court, playground, playfield, play lot, picnic ground or other such recreational use except one carried on as a business, or of a kind that is customarily carried on as a business,

Provided however, that any building permitted in connection with any such tennis court, bowling green or other recreational use shall be limited to such locker-rooms, dressing rooms, shower baths, and other such accessory uses necessary for their operation; (7085/53) (85-82)

- (iii) A cemetery; (85-82)
- (iv) A mausoleum or columbarium; (85-82)
- (v) A crematorium situate within or upon a cemetery. (85-82)

ACCESSORY USES

- (1a) A chapel or other building or structure appurtenant to a use referred to in subclauses 7(1)(iii), 7(1)(iv) and 7(1)(v). (85-82)

HEIGHT REQUIREMENTS

- (2) In an "A" District, no building shall exceed two and a half storeys, and no structure shall exceed 11.0 metres (36.09 feet), in height, (9141/60) (79-288) (80-049)

AREA REQUIREMENTS

7. (3) The following yards shall be provided within the district, and maintained, as appurtenant to, every building or structure in an "A" District: (8927/60)
- (i) a front yard of a depth of at least 12.0 metres (39.37 feet); (8971/60) (79-288) (80-049)
 - (ii) a side yard along each side lot line, of a width of at least 4.5 metres (14.76 feet); and (79-288) (80-049)
 - (iii) a rear yard of a depth of at least 10.5 metres (34.45 feet). (79-288) (80-049)

INTENSITY OF USE

- (4) Except as provided in subsection 5 (85-82), every lot or tract of land in an "A" District shall have a width of at least 24.0 metres (78.74 feet) and an area of at least 1848.0 square metres (19,892.36 square feet), within the district, (8927/60) (71-327) (79-288) (80-049) (85-82)
- (5) Every lot or tract of land upon which a use referred to in clauses 7(1)(iii), 7(1)(iv) and 7(1)(v) is situate, shall have an area of at least 8.0 hectares (19.77 acres). (85-82)
- (6) Every building or structure referred to in subsection 7(1a) other than a memorial stone or monument, or a boundary fence, shall be at least 30.0 m. (98.43 feet) from the nearest lot line. (85-82)

7A

"AA" DIST'S
REG'LNS

SECTION SEVEN A - "AA" DISTRICTS

(AGRICULTURAL DISTRICT)

- 7A. (1) Subject to the applicable provisions of Section 3, 18, 18A, and 19, in an "AA" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, for other than one or more of the following uses, namely: (8320/58) (83-66)
- (a) as provided in clauses 8(1)(i), (iia) and (iiaa); (71-327) (86-326) (90-248) (92-281)
 - (b) a public hospital in accordance with the provisions of paragraphs a, b, c and d of clause iii of Section 8; (71-327)
 - (bb) a children's residence. (8645/59) (81-27)
 - (c) as provided in clauses v, vi, vii, viii, ix, x and xi of subsection 1 of Section 8; (71-327) (75-235)
 - (d) a booth in a public hospital for the sale of flowers, magazines, refreshments and comforts;
 - (e) as provided in clauses xiii, xv, xvi and xvii of subsection 1 of Section 8. (71-327)
 - (f) a district yard of the City Corporation except that no such district yard shall be located within 244.0 metres (800.52 feet) of the boundary of any adjoining municipality. (67-201) (67-333) (79-288) (80-049)
 - (g) a private stable. (92-170)
- (2) In an "AA" District, no building shall exceed two and a half storeys, and no structure shall exceed 11.0 metres (36.09 feet), in height. (9141/60) (79-288) (80-049)
- (3) The yards in an "AA" District shall be as provided in clauses i, ii and iii of subsection 3 of Section 7.
- (4) Every lot or tract of land in an "AA" District shall have a width of at least 60.0 metres (196.85 feet) and an area of at least 12,000.0 square metres (2.97 acres) within the district. (8927/60) (8320/58) (79/288) (80-049)

SECTION EIGHT - "B" DISTRICTS

(SUBURBAN AGRICULTURE AND RESIDENTIAL, ETC.)

REQUIREMENTS AS TO USE

8. (1) Subject to the provisions of Sections 3, 18, 18A, and 19, in a "B" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, for other than one or more of the following uses, namely: (71-327) (83-66)

RESIDENTIAL USES

- (i) A single family dwelling, together with the accommodation of lodgers to the number of not more than three; (71-327) (81-27)
- (ii) (71-327) (81-27) (Deleted by 92-281)
- (iia) A Foster Home; (86-326)

INSTITUTIONAL USES

- (iii) A public hospital, private hospital, home for the aged, children's residence; (71-327) (81-27)

Provided that:

- (a) it has sleeping accommodation for at least one hundred inmates,
 - (b) the lot on which same is situate has a horizontal area of at least 20,000.0 square metres (4.94 acres), (79-288) (80-049)
 - (c) at least ninety per cent of said area is unoccupied by any building or structure, and
 - (d) wherever any lands adjoining or any lands immediately opposite on the other side of any highway upon which the hospital lands abut, are in a residential district, every building and structure be either at least 30.0 metres (98.43 feet) from the nearest lot line, or at least 1.0 metre (3.28 feet) for every 0.5 metre (1.64 feet) of height of the building or structure, whichever is the greater distance, (79-288) (80-049)
- (iiia) A day nursery, provided that: (90-248)
- (a) Subject to subsection (b), every such day nursery,
 - (i) shall accommodate not more than 25 children, and

INSTITUTIONAL USES (CONT'D)

8. (1) (iiia) (a) (ii) shall be situated on a lot having a minimum radial separation of 180.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a day nursery.
- (b) Subsection (a) shall not apply to a day nursery located within a school, church, community centre, or other public building.
- (iv) A monastery, nunnery or other like religious use, conditional upon observance of clauses (b), (c) and (d) of the provision for public hospitals above: (71-237)

PUBLIC USES

- (v) A school, college, university or seminary of learning, public or private, with or without a dormitory and dining room but excepting a commercial school or a sanatorium school, and conditional upon observances of clauses (b) and (d) of the provision for public hospitals above; (71-327)
- (va) A school for the blind or deaf, with or without a dormitory and dining room, together with a workshop or factory where only inmates and other blind persons and their instructors are employed, and a shop where goods produced in the school may be sold and such offices, recreation rooms and other uses as may be appropriate to the conduct of such a school. (71-327)
- (vi) A library, art gallery, museum, observatory, community centre, gymnasium, swimming pool or other such cultural, recreational or community building or structure, except one carried on as a business, or of a kind that is customarily carried on as a business;
- Provided that a Community Centre, permitted under this paragraph shall be one that is operated for the benefit of all residents of a given neighbourhood, and where all such residents are afforded opportunity for recreational activities, and where individuals may be permitted to combine into groups to do their own canning and for any other self-help programs with respect to home economy or the household arts; (71-327)
- (vii) A cemetery, mausoleum or columbarium, together with any chapel or other building or structure appurtenant to such use, including a crematorium if within a cemetery,

Provided that:

- (a) The lot on which same is situate has a horizontal area of at least 8.0 hectares (19.77 acres), and (79-288) (80-049)
- (b) every building or structure save a memorial stone or monument, or a boundary fence, is at least a 30.0 metres (98.43 feet) from the nearest lot line; (71-327) (79-288) (80-049)

PUBLIC USES (CONT'D)

8. (1) (viii) A public or private forest, wildlife reservation or other conservation project, or a reservation for hiking, picnicking, skiing or other such outdoor sports; (71-327)
- (ix) A fairground or exhibition ground;
- (x) A golf course, bowling green, tennis court, playground, playfield, play lot, picnic ground or other such recreational use except one carried on as a business, or of a kind that is customarily carried on as a business,

Provided, however, that any building permitted in connection with any such tennis court, bowling green or other recreational use shall be limited to such locker-rooms, dressing rooms, shower baths, and other such accessory uses necessary for their operation; (71-327)

COMMERCIAL USES

- (xi) A livery stable, riding academy, kennel, animal hospital or the keeping or raising of animals,

Provided that:

- (a) the lot on which same is situate has an area of at least 12,000.0 square metres (2.97 acres), and (79-288) (80-049)
- (b) every building or corral or other structure for the housing of animals, save a boundary fence, is at least 30.0 metres (98.43 feet) from the nearest lot line; (71-327) (79-288) (80-049)

- (xii) A broadcasting station for radio, facsimile or television, with or without a studio or theatre,

Provided that:

- (a) the lot on which same is situate has a horizontal area of at least 8.0 hectares (19.77 acres), and (79-288) (80-049)
- (b) every building or structure save a boundary fence is distant from the nearest lot line at least 0.5 metres (1.64 feet) for each 0.5 metres (1.64 feet) of height of the building or structure; (71-327) (79-288) (80-049)

FARMING USES

- (xiii) Any farming use except the commercial feeding of garbage or swill to swine or other animals,

Provided that:

- (a) the lot on which any such farming use is carried on has an area of at least 12,000.0 square metres (2.97 acres), and (79-288) (80-049)

FARMING USES (CONT'D)

8. (1) (xii) (b) every building or corral or other structure used for housing or enclosing animals, except a boundary fence, is at least 30.0 metres (98.43 feet) from the nearest lot line; (71-327) (79-288) (80-049)

MISCELLANEOUS AND INCIDENTAL USES

- (xiv) A booth in a public hospital, private hospital or home for the aged for the sale of flowers, magazines, refreshments and comforts; (71-327) (81-27)

- (xv) A private garage; (92-170)

- (xvi) Parking spaces to such a number as is reasonably necessary for a permitted use to which the same is appurtenant, provided that the same are hard-surfaced and abut upon a hard-surfaces driveway giving ready access to a street or alley, and that same are used only as appurtenant to such permitted use,

And provided further that the foregoing shall not be construed so as to permit the expansion for such purpose of a non-conforming use; (71-327)

- (xvii) A storage garage of such capacity as is reasonably necessary for a permitted use to which the same is appurtenant, provided that the same is used only as appurtenant to such permitted use,

And provided further that the foregoing shall not be construed so as to permit the expansion for such purpose, of a non-conforming use. (71-327)

HEIGHT REQUIREMENTS

- (2) In a "B" District, no building shall exceed two and a half storeys and no structure shall exceed 11.0 metres (36.09 feet), in height. (9141/60) (79-288) (80-049)

AREA REQUIREMENTS

- (3) The following yards shall be provided within the district, and maintained, as appurtenant to every building or structure in a "B" District: (8927/60)

- (i) a front yard of a depth of at least 12.0 metres (39.37 feet); (79-288) (80-049)
- (ii) a side yard along each side lot line of a width of at least 3.0 metres (9.84 feet); and (79-288) (80-049)
- (iii) a rear yard of a depth of at least 9.0 metres (29.53 feet). (79-288) (80-049)

INTENSITY OF USE

8. (4) Every lot or tract of land in a "B" District shall have a width of at least 20.0 metres (65.62 feet) and an area of at least 1,100.0 square metres (11,840.69 square feet) within the district.
(8927/60) (71-327) (79-288) (80-049)

SECTION EIGHT A - "B-1" DISTRICTS

(SUBURBAN AGRICULTURE AND RESIDENTIAL, ETC.)

REQUIREMENTS AS TO USE

- 8A. (1) Subject to the provisions of Sections 3, 18, 18A, and 19, in a "B-1" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, for other than one or more of the uses as permitted in a "B" District. (6949/52) (8158/57) (83-66)

HEIGHT REQUIREMENTS

- (2) In a "B-1" District, no building shall exceed two and a half storeys, and no structure shall exceed 11.0 metres (36.09 feet), in height. (9141/60) (79-288) (80-049)

AREA REQUIREMENTS

- (3) The following yards shall be provided within the district, and maintained, as appurtenant to every building or structure in a "B-1" District: (8927/60)
- (i) a front yard of a depth of at least 7.5 metres (24.61 feet); (79-288) (80-049)
 - (ii) a side yard along each side lot line, of a width of at least 1.8 metres (5.91 feet); and (79-288) (80-049)
 - (iii) a rear yard of a depth of at least 7.5 metres (24.61 feet). (79-288) (80-049)

INTENSITY OF USE

- (4) Every lot or tract of land in a "B-1" District shall have width of at least 15.0 metres (49.21 feet) and an area of at least 690.0 square metres (7,427.34 square feet) within the district. (6949/52) (8927/60) (79-288) (80-049)

SECTION EIGHT B - "B-2" DISTRICTS

(Suburban Residential)

REQUIREMENT AS TO USE

- 8B. (1) Subject to the provisions of Sections 3, 18, 18A, and 19, in a "B-2" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, for other than one or more of the uses as permitted in a "B-1" District. (8791/59) (83-66.

HEIGHT REQUIREMENTS

- (2) In a "B-2" District, no building shall exceed two and a half storeys, and no structure shall exceed 11.0 metres (36.09 feet), in height. (9141/60) (79-288) (80-049)

AREA REQUIREMENTS

- (3) The following yards shall be provided within the district, and maintained, as appurtenant to every building or structure in a "B-2" District: (8927/60)
- (i) a front yard of a depth of at least 6.0 metres (19.69 feet); (79-288) (80-049)
 - (ii) a side yard along each side lot line, of a width of at least 1.5 metres (4.92 feet); and (79-288) (80-049)
 - (iii) a rear yard of a depth of at least 7.5 metres (24.61 feet). (79-288) (80-049)

INTENSITY OF USE

- (4) Every lot or tract of land in a "B-2" District shall have a width of at least 15.0 metres (49.21 feet) and an area of at least 540.0 square metres (5,812.70 square feet) within the district. (8927/60) (8791/59) (79-288) (80-049)

9A

"R-4" DIST'S
REGL'NS

Section NINE A - "R-4" DISTRICTS

(SMALL LOT SINGLE FAMILY DWELLING) (82-45)

- 9A. (1) Subject to the provisions of Sections 3, 18, 18A and 19, in an "R-4" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used for other than one or more of the following, (83-66)

(a) **Residential Uses:**

1. A single family dwelling, together with the accommodation of not more than three lodgers.
2. A semi-detached dwelling, together with the accommodation of not more than three lodgers in each dwelling unit.
3. A Residential Care Facility for accommodation of not more than six residents.
4. A Foster Home. (86-326)

(aa) **Institutional Uses:**

1. A day nursery, provided that: (90-248)
 - (i) Subject to subsection (ii), every such day nursery,
 - (A) shall accommodate not more than 25 children, and
 - (B) shall be situated on a lot having a minimum radial separation of 180.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a day nursery.
 - (ii) Subsection (i) shall not apply to a day nursery located within a school, church, community centre, or other public building.

(b) **Accessory Uses:**

1. Accessory buildings or structures to the uses referred to in paragraphs 1, 2 and 3.

- (2) Every single family dwelling shall comply with the following,

(a) **Height Requirement:**

1. No building shall exceed 11.0 metres in height.

(b) **Area Requirements:**

1. There shall be provided and maintained upon the same lot or tract of land and within the "R-4" District for every building or structure,
 - (i) a front yard having a depth of not less than 6.0 metres;

AREA REQUIREMENTS (CONT'D)

- 9A. 2. (b) 1. (ii) except as provided in subparagraph (iii), at least one side yard,
- A. in the case of an interior lot, having a width not less than 1.2 metres;
- B. in the case of a corner lot, having a flankage width of not less than 1.2 metres;
- (iii) where a side yard abuts any other residential district, a side yard having a width of not less than 1.2 metres;
- (iv) a rear yard having a depth of not less than 7.5 metres.

(c) Intensity of Use Requirements:

1. Subject to paragraph 2, every lot or tract of land within the "R-4" District for a single family dwelling shall have an average lot width of not less than 10.0 metres and an average lot area of not less than 306.0 square metres. (92-170)
2. No lot or tract of land within the "R-4" District for a single family dwelling, shall have a lot width of less than 9.0 metres or a lot area of less than 278.0 square metres. (92-170)
3. In paragraph 2,
 - (i) "average lot area" shall mean the numerical result obtained by dividing the sum of individual single family lot areas by the total number of single family lots zoned "R-4" (92-170);
 - (ii) "average lot width" shall mean the numerical result obtained by dividing the sum of individual single family lot widths by the total number of single family lots zoned "R-4". (92-170).

(d) Distance Requirement:

1. No single family dwelling shall be situate less than 1.2 metres from a single family dwelling situate on an abutting lot or tract of land, measured between the exterior walls of the building.

(3) Every Semi-Detached Dwelling shall comply with the following,

(a) Height Requirement:

1. No building shall exceed 11.0 metres in height.

(b) Area Requirements:

1. There shall be provided and maintained upon the same lot or tract of land within the "R-4" District for every building or structure,

AREA REQUIREMENTS (CONT'D)

- 9A. (3) (b) 1. (i) a front yard having a depth of not less than 6.0 metres;
- (ii) a side yard along each side lot line having a width of not less than 1.2 metres;
- (iii) a rear yard having a depth of not less than 7.5 metres.
- (c) **Intensity of Use Requirements:**
1. Every lot or tract of land shall have,
- (i) a lot width of not less than 18.0 metres;
- (ii) a lot area of not less than 540.0 square metres.
- (4) Every Residential Care Facility shall comply with the following,
- (a) **Height Requirement:**
1. No building shall exceed 11.0 metres in height.
- (b) **Area Requirements:**
1. There shall be provided and maintained upon the same lot or tract of land and within the "R-4" District for every building or structure,
- (i) a front yard having a depth of not less than 6.0 metres;
- (ii) a side yard along each side lot line having a depth of not less than 1.2 metres;
- (iii) a rear yard having a depth of not less than 7.5 metres.
- (c) **Intensity of Use Requirements:**
1. Every lot or tract of land shall have,
- (i) a width of not less than 12.0 metres;
- (ii) an area of not less than 360.0 square metres.
- (d) **Off-Street Parking Requirement:**
1. Notwithstanding Section 18A, there shall be provided and maintained in the "R-4" District and upon the same lot or tract of land, for every Residential Care Facility, not less than one parking space for every three residents.
(92-170)
- (e) **Distance Requirement:**
1. No Residential Care Facility shall be situate on a lot which is less than 180.0 metres from the lot line of any other lot or tract of land occupied or as may be occupied by a Residential Care Facility or a Short-Term Care Facility.

DISTANCE REQUIREMENTS (CONT'D)

- 9A. (5) Notwithstanding the requirements of subsection 4 of Section 18 for accessory buildings or structures other than a swimming pool in a rear yard or in a side yard, every accessory building or structure shall comply with the following,

(a) **Height Requirement:**

1. No accessory building or structure shall exceed 4.0 metres in height.

(b) **Location Requirements:**

1. Every accessory building or structure situate in a rear yard shall be distant at least,
 - (i) 0.5 metres from the rear lot line;
 - (ii) 0.5 metres from a side lot line;
 - (iii) 1.2 metres from a side lot line abutting a flankage street.
2. No accessory building or structure shall be prohibited from a non-required side yard.
3. No accessory building or structure, including a swimming pool, shall be located in a front yard.

(c) **Lot Coverage Requirement:**

1. Not more than 30% of the area of the rear yard shall be occupied by the total area of all accessory buildings or structures.

SECTION NINE - "C" DISTRICTS

(URBAN PROTECTED RESIDENTIAL, ETC.)

REQUIREMENTS AS TO USE

9. (1) Subject to the provisions of Sections 3, 18, 18A, and 19, in a "C" District, no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, for other than one or more of the following uses, namely: (8158/57) (83-66)

RESIDENTIAL USES

- (i) A single family dwelling, together with the accommodation of lodgers to the number of not more than three; (81-27)
- (ii) (6902/52) (81-27) (Deleted by 92-281)
- (iia) A foster home; (10837/65) (81-27)
- (iib) A residential care facility for the accommodation of not more than 6 residents. (81-27)

INSTITUTIONAL USES

- (iii) A day nursery, provided that:
 - (a) Subject to subsection (b), every such day nursery,
 - (i) shall accommodate not more than 25 children, and
 - (ii) shall be situated on a lot having a minimum radial separation of 180.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a day nursery.
 - (b) Subsection (a) shall not apply to a day nursery located within a school, church, community centre, or other public building. (10743/65) (79-288) (80-049) (90-248)

PUBLIC USES

- (iv) A school of learning except a commercial school or sanatorium school, and not including a dormitory; (66-273) (92-170)
- (iva) A seminary. (92-170)

PUBLIC USES (CONT'D)

9. (1) (v) A library, art gallery, museum, observatory, community centre or other such cultural, recreational or community building or structure, except one carried on as a business, or of a kind that is customarily carried on as a business. Provided that a Community Centre, permitted under this paragraph shall be one that is operated for the benefit of all residents of a given neighbourhood, and where all such residents are afforded opportunity for recreational activities, and where individuals may be permitted to combine into groups to do their own canning and for any other self-help programs with respect to home economy or the household arts; and (6692/51)
- (vi) A bowling green, tennis court, playground, playfield, play lot or other such recreational use except one carried on as a business, or of a kind that is customarily carried on as a business,
- Provided, however, that any building permitted in connection with any such tennis court, bowling green or other recreational use shall be limited to such locker-rooms, dressing rooms, shower baths, and other such accessory uses necessary for their operation; (7085/53)

MISCELLANEOUS OR INCIDENTAL USES

- (vii) A private garage; (92-170)
- (viii) Parking spaces to such a number as is reasonably necessary for a permitted use to which the same is appurtenant, provided that the same are hard-surfaced and abut upon a hard-surfaced driveway giving ready access to a street or alley, and that same are used only as appurtenant to such permitted use, (6902/52)
- And provided further that the foregoing shall not be construed so as to permit the expansion for such purpose of a non-conforming use; (6902/52)
- (ix) A storage garage of such capacity as is reasonably necessary for a permitted use to which the same is appurtenant, provided that same is used only as appurtenant to such permitted use, (6902/52)
- And provided further that the foregoing shall not be construed so as to permit the expansion for such purpose, of a non-conforming use; (6902/52)

HEIGHT REQUIREMENTS

- (2) In a "C" District, no building shall exceed two and a half storeys, and no structure shall exceed 11.0 metres (36.09 feet), in height. (9141/60) (79-288) (80-049)

AREA REQUIREMENTS

9. (3) The following yards shall be provided within the district, and maintained, as appurtenant to every building or structure in a "C" District: (8927/60)
- (i) a front yard of a depth of at least 6.0 metres (19.69 feet); (79-288) (80-049)
 - (ii) a side yard along each side lot line, of a width of at least 1.2 metres (3.94 feet); (6902/52) (79-288) (80-049)
 - (iii) a rear yard of a depth of at least 7.5 metres (24.61 feet). (79-288) (80-049)

INTENSITY OF USE

- (4) Every lot or tract of land in a "C" District shall have a width of at least 12.0 metres (39.37 feet) and an area of at least 360.0 square metres (3,875.13 square feet) within the district. (8927/60) (6908/52) (79-288) (80-049)

DISTANCE REQUIREMENTS

- (5) Except as provided in subsection 6, every residential care facility shall be situate on a lot having a minimum radial separation distance of 180.0 metres from the lot line to the (contd) lot line of any other lot occupied or as may be occupied by a residential care facility or a short-term care facility. (81-27)
- (6) Where the radial separation distance from the lot line of an existing residential care facility is less than 180.0 metres to the lot line of any other lot occupied by a residential care facility or short-term care facility, the existing residential care facility may be expanded or redeveloped to accommodate not more than the permitted number of residents. (81-27)

SECTION TEN - "D" DISTRICTS

(URBAN PROTECTED RESIDENTIAL - ONE AND TWO FAMILY DWELLINGS, ETC.)
(8511/59) (87-173)

REQUIREMENTS AS TO USE

10. (1) Subject to the provisions of Sections 3, 18, 18A, and 19, in a "D" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, for other than one or more of the following uses, namely: (8158/57) (83-66)

- (i) A use as permitted in a "C" District;

RESIDENTIAL USES (10840/65)

- (ii) A two family dwelling, together with the accommodation of lodgers to the number of not more than three in each Class A dwelling unit; (81-27)
- (iii) (8069/57) (8421/58) (9016/60) (72-239) (Deleted by 93-161)
- (iiia) A home for elderly persons. (8772/59) (10718/65) (10840/65)
- (iv) (81-27) (Deleted by 92-281)
- (v) A lodging house for the accommodation of not more than 6 lodgers having the principal entrance to each residential unit comprised in the lodging house, located within the lodging house. (8696/59) (81-27)
- (vi) Repealed. (81-27)

INSTITUTIONAL USES (10840/65)

- (vii) Repealed. (81-27)
- (viii) A nursing home for the accommodation of not more than six residents, provided in the case of a building erected after the first day of July, A.D., 1959, that the lot has an area of at least 360.0 square metres (3,875.13 square feet); (8696/59) (79-288) (80-049) (83-66)
- (ix) Changed to (iiia) (8772/59) (10718/65) (10840/65)
- (x) (8696/59) (79-288) (80-049) Repealed. (81-27)

INSTITUTIONAL USES (CONT'D)

10. (1) (xa) A day nursery, provided that: (90-248)
- (i) Subject to subsection (ii), every such day nursery,
 - (A) shall accommodate not more than 25 children, and
 - (B) shall be situated on a lot having a minimum radial separation of 180.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a day nursery.
 - (ii) Subsection (i) shall not apply to a day nursery located within a school, church, community centre, or other public building.

PUBLIC USES

- (xi) A district yard of a municipal corporation; (8696/59) (92-170)
- (xii) A college or university; (66-273)

HEIGHT REQUIREMENTS

- (2) In a "D" District, no building shall exceed three storeys, and no structure shall exceed 14.0 metres (45.93 feet), in height. (9141/60) (79-288) (80-049)

AREA REQUIREMENTS

- (3) The following yards shall be provided within the district, and maintained, as appurtenant to every building or structure in a "D" District: (8927/60)
- (i) a front yard of a depth of at least 6.0 metres (19.69 feet); (79-288) (80-049)
 - (ii) for a building or structure not over two and a half storeys or 11.0 metres (36.09 feet) in height, a side yard along each side lot line, of a width of at least 1.2 metres (3.94 feet), and for any other building or structure, side yards of a width each of at least 2.7 metres (8.86 feet); and (6902/52) (79-288) (80-049)
 - (iii) a rear yard of a depth of at least 7.5 metres (24.61 feet). (79-288) (80-049)

INTENSITY OF USE

- (4) Every lot or tract of land upon which a dwelling is erected, converted or reconstructed in a "D" District shall have within the district; (8927/60)

INTENSITY OF USE (CONT'D)

10. (4) (i) for a single family dwelling, residential care facility or lodging house, a width of at least 12.0 metres (39.37 feet) and an area of at least 360.0 square metres (3875.13 square feet); (6908/52) (79-288) (80-049) (81-27)
- (ii) for a two family dwelling a width of at least 18.0 metres (59.06 feet) and an area of at least 540.0 square metres (5812.70 square feet). (8069/57) (76-331) (79-288) (80-049)
- (iii) Repealed by 72-239 (Row Dwellings) (8069/57)
- (iv) for a home for elderly persons a width of at least 27.0 metres (88.58 feet) and an area of at least 810.0 square metres (8719.05 square feet) and there shall be an area of at least 140.0 square metres (1507 square feet) for each dwelling unit. (10718/65) (79-288) (80-049)
- (5) (Deleted by 10718/65) (8013/57) (8772/59)

DISTANCE REQUIREMENTS

- (6) Except as provided in subsection 7, every residential care facility shall be situate on a lot having a minimum radial separation distance of 180.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a residential care facility or a short-term care facility. (81-27)
- (7) Where the radial separation distance from the lot line of an existing residential care facility is less than 180.0 metres to the lot line of any other lot occupied by a residential care facility or short-term care facility, the existing residential care facility may be expanded or redeveloped to accommodate not more than the permitted number of residents. (81-27)

PRIOR EXISTING USES

- (8) The following uses existing on the date of the passing of By-Law No. 93-161 and any alteration, extension or enlargement of the continuing uses after the passing of the By-Law shall be permitted:
- (i) A Townhouse Dwelling subject to the "RT-10" District provisions;
- (ii) A Street Townhouse Dwelling subject to the "RT-30" District provisions. (93-161)

10A

"DE" DIST'S
REGL'NS

SECTION TEN A - "DE" DISTRICTS

(LOW DENSITY MULTIPLE DWELLINGS) (8478/58)

REQUIREMENTS AS TO USE

- 10A. (1) Subject to the provisions of Sections 3, 18, 18A, and 19, in a "DE" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, for other than one or more of the following uses, namely: (8158/57) (8087/57) (83-66)
- (i) Any use permitted in a "D" District except a district yard of a municipal Corporation. (66-103) (92-170)

RESIDENTIAL USES (10840/65)

- (ii) A two family dwelling or three family dwelling, together with the accommodation of lodgers to the number of not more than three in each Class A dwelling unit; (9338/61) (81-27)
- (iii) (9338/61) (81-27) (Deleted by 92-281)
- (iv) A multiple dwelling, together with the accommodation of lodgers to the number of not more than three in each Class A dwelling unit; (See Section 18(8) for Special Requirements for Groups of Multiple Dwellings) (9016/60) (81-27)
- (v) (9016/60) (81-27) (Deleted by 93-161)
- (vi) (Deleted by 10718/65) (8087-57)
- (vii) (Deleted by 72-90) (Doctors Offices) (8215/58) (8258/58)
- (viii) A short-term care facility for the accommodation of not more than 6 residents. (81-27)

INSTITUTIONAL USES

- (ix) A day nursery, provided that: (90-248)
- (i) Subject to subsection (ii), every such day nursery,
- (A) shall accommodate not more than 25 children, and
- (B) shall be situated on a lot having a minimum radial separation of 180.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a day nursery.

INSTITUTIONAL USES (CONT'D)

- 10A. (1) (ix) (ii) Subsection (i) shall not apply to a day nursery located within a school, church, community centre, or other public building.

HEIGHT REQUIREMENTS

- (2) In a "DE" District, no building shall exceed three storeys, and no structure shall exceed 11.0 metres (36.09 feet) in height. (9141/60) (9777/62) (79-288) (80-049)

AREA REQUIREMENTS

- (3) The following yards shall be provided within the district, and maintained, as appurtenant to every building or structure in a "DE" District: (8927/60)
- (i) A front yard of a depth of at least 6.0 metres (19.69 feet); (79-288) (80-049)
 - (ii) (a) for a single family dwelling as permitted in a "C" District, a side yard along each side lot line of a width of at least 1.2 metres (3.94 feet); (9016/60) (79-288) (80-049) (92-281)
 - (b) for a two family dwelling except a pair of semi-detached single family dwellings, or a three family dwelling, a side yard along one side lot line of a width of at least 3.0 metres (9.84 feet), and a side yard along the other side lot line, of a width of at least 2.0 metres (6.56 feet), and for a pair of semi-detached single family dwellings, a side yard along each side lot line of a width of at least 1.2 metres; (3.94 feet) (9016/60) (9338/61) (10339/64) (79-288) (80-049) (92-281)
 - (c) for a multiple dwelling, a side yard along each side lot line of a width of at least 3.0 metres (9.84 feet). (9016/60) (72-239) (79-288) (80-049)
 - (d) for every other building or structure, a side yard must be maintained along each side lot line of a width of at least 3.0 metres (9.84 feet). (76-263) (79-288) (80-049)
 - (iii) A rear yard of a depth of at least 7.5 metres (24.61 feet). (79-288) (80-049)

INTENSITY OF USE

- (4) Every lot or tract of land upon which a dwelling is erected, converted or reconstructed in a "DE" District shall have within the district: (8927/60)

INTENSITY OF USE (CONT'D)

- 10A. (4) (i) For a single family dwelling, residential care facility, short-term care facility, or lodging house, a width of at least 12.0 metres (39.37 feet) and an area of at least 360.0 square metres (3,875.13 square feet); (9777/62) (79-288) (80-049) (81-27)
- (ii) For a two family dwelling, a width of at least 18.0 metres (59.06 feet) and an area of at least 540.0 square metres (5,812.70 square feet). (77-260) (79-288) (80-049)
- (iia) For a three family dwelling, a width of at least 18.0 metres (59.06 feet) and an area of at least 690.0 square metres (7,427.34 square feet); (9338/61) (79-288) (80-049)
- (iii) (a) for a multiple dwelling, consisting of four dwelling units, a width of at least 21.0 metres (68.90 feet) and an area of at least 720.0 square metres (7,750.77 square feet); (9777/62) (79-288) (80-049)
- (b) for a multiple dwelling, consisting of more than four dwelling units and not more than six dwelling units, a width of at least 24.0 metres (78.74 feet) and an area of at least 160.0 square metres (1,722.28 square feet) for each Class A dwelling unit; (9777/62) (79-288) (80-049)
- (c) for a multiple dwelling, consisting of more than six dwelling units, a width of at least 27.0 metres (88.58 feet) and an area of at least 140 square metres (1,507 square feet) for each Class A dwelling unit, (9777/62) (79-288) (80-049)
- Provided, however, that the requirements of 140.0 square metres (1,507 square feet) in clause (iii) (c) above, may be reduced to 93.0 square metres (1,001.04 square feet), in the case of each and every Class A dwelling unit in which the only rooms are the bathroom, kitchen and living room, the last of which contains the sleeping accommodation (Bachelor Apartment), and in the case of every Housekeeping dwelling unit; (9777/62) (79-288) (80-049)
- And provided further, that no such Bachelor Apartment or Housekeeping dwelling unit shall be used for the accommodation of boarders or lodgers; (9777/62)
- (d) for a home for elderly persons a width of at least 27.0 metres (88.58 feet) and an area of at least 140.0 square metres (1,507 square feet) for each Class A dwelling unit, provided however, that the requirement of 140.0 square metres (1,507 square feet) may be reduced to 93.0 square metres (1,001.07 square feet) in the case of every Class A dwelling unit in which the only rooms are the bathroom, kitchen and living room, the last of which contains the sleeping accommodation (bachelor apartment), and in the case of every housekeeping dwelling unit. (10718/65) (79-288) (80-049)

INTENSITY OF USE (CONT'D)

10A. (4) (iv) Repealed. (72-239) (Row Dwellings) (8087/57)

LANDSCAPED AREA

- (5) For every building or structure in a "DE" District there shall be provided and maintained on the lot and within the district at least one-quarter of the area of the lot on which it is situated as landscaped area unused for access or manoeuvring space or parking space or for any other purpose other than landscaped area including a playground. (9777/62) (79-288) (80-049) (83-66)

DISTANCE REQUIREMENTS

- (6) Except as provided in subsection 7, every residential care facility and every short-term care facility shall be situate on a lot having a minimum radial separation distance of 180.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a residential care facility or a short-term care facility. (81-27)
- (7) Where the radial separation distance from the lot line of an existing residential care facility or an existing short-term care facility is less than 180.0 metres to the lot line of any other lot occupied by a residential care facility or short-term care facility, the existing residential care facility or short-term care facility may be expanded or redeveloped to accommodate not more than the permitted number of residents. (81-27)

PRIOR EXISTING USES

- (8) The following uses existing on the date of the passing of By-Law No. 93-161 and any alteration, extension or enlargement of the continuing uses after the passing of the By-Law shall be permitted:
- (i) A Townhouse Dwelling subject to the "RT-20" District provisions;
 - (ii) A Maisonette Dwelling subject to the "RT-20" District provisions;
 - (iii) A Street Townhouse Dwelling subject to the "RT-30" District provisions. (93-161)

SECTION TEN B - "DE-2" DISTRICTS

(MULTIPLE DWELLINGS)

REQUIREMENTS AS TO USE

10B. (1) Subject to the applicable provisions of Section 3, 18, 18A, and 19, in a "DE-2" District, no building or structure shall be erected, altered, extended or enlarged, and no building or structure or part thereof shall be used, and no land shall be used, for other than one or more of the following uses, (10307/64) (83-66)

- (i) Any use permitted in a "D" District except a district yard of a municipal Corporation. (66-103) (92-170)

RESIDENTIAL USES (10840/65)

- (ii) A two family dwelling, with accommodation for lodgers to the number of not more than three in each Class A dwelling unit; (81-27)
- (iii) A three family dwelling with accommodation for lodgers to the number of not more than three in each Class A dwelling unit; (81-27)
- (iv) (81-27) (Deleted by 92-281)
- (v) (10307/64) (72-239) (78-174) (Deleted by 93-161)
- (vi) A multiple dwelling, with accommodation for lodgers to the number of not more than three in each Class A dwelling unit; (See Section 18(8) for Special Requirements for Groups of Multiple Dwellings); (81-27)
- (via) A short-term care facility for the accommodation of not more than 6 residents. (81-27)

INSTITUTIONAL USES (10840/65)

- (vii) A nursing home, provided that in the case of a building erected after the first day of December, A.D. 1959 the lot has an area of at least 450.0 square metres (4,843.92 square feet) (79-288) (80-049) (83-66)
- (viii) A day nursery, provided that: (90-248)
 - (i) Subject to subsection (ii), every such day nursery,
 - (A) shall accommodate not more than 25 children, and

INSTITUTIONAL USES (CONT'D)

- 10B. (1) (viii) (i) (B) shall be situated on a lot having a minimum radial separation of 180.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a day nursery.
- (ii) Subsection (i) shall not apply to a day nursery located within a school, church, community centre, or other public building.

HEIGHT REQUIREMENTS

- (2) (i) No building for a single family dwelling, two family dwelling or three family dwelling shall exceed two and one-half storeys in height;
- (ii) No building or structure for any other use shall exceed eight storeys or 26.0 metres (85.30 feet) in height.
(72-239) (76-148) (79-288) (80-049)

AREA REQUIREMENTS

- (3) There shall be provided and maintained within the district, for every building and structure in a "DE-2" District, the following yards, namely:
- (i) (a) for every single family dwelling, two family dwelling, three family dwelling, a front yard of a depth of at least 6.0 metres (19.69 feet), and;
(72-239) (79-288) (80-049)
- (b) for all other buildings or structures a front yard of a depth of at least one one-hundred and twentieth part of the product obtained by multiplying the height of the building structure by its width, but no such front yard shall have a depth of less than 3.0 metres (9.84 feet) and need not have a depth of more than 7.5 metres (24.61 feet), provided that with respect to said other buildings and structures, where a front yard abuts upon a street of a width of less than 20.0 metres (65.62 feet), the required depth shall be increased by half of the difference between the actual width of the street and 20.0 metres (65.62 feet); (79-288) (80-049) (82-146)
- (ii) (a) for every single family dwelling, two family dwelling or three family dwelling, along each side lot line a side yard having a width of at least 1.2 metres (3.94 feet); (72-239) (79-288) (80-049)
- (b) for every other building or structure, along each side lot line a side yard of a width of at least one one-hundred and twentieth part of the product obtained by multiplying the height of the building by its length, less 1.5 metres (4.92 feet) where no balcony, sunroom or any window of a habitable room overlooks the side yard, but no such side yard shall



AREA REQUIREMENTS (CONT'D)

- 10B. (3) (ii) (b) have a width of less than 1.5 metres (4.92 feet), and need not have a width of more than 9.0 metres (29.53 feet), but plus 3.0 metres (9.84 feet) where any balcony, sunroom or window of a habitable room does overlook such side yard, but no such side yard shall have a width of less than 4.5 metres (14.76 feet) and need not have a width of more than 13.5 metres (44.29 feet); (79-288) (82-146)

Provided that with respect to said other buildings and structures, where a side lot line is a street line, the side yard on that side shall have a width of at least 3.0 metres (9.84 feet), and need not have a width of more than 7.5 metres (24.61 feet); and that where a side lot line is the street line of a street less than 20.0 metres (65.62 feet) wide, the required width of the side yard on that side shall be increased by half of the difference between the actual width of the street and 20.0 metres (65.62 feet); (79-288) (80-049)

- (iii) (a) for a single family dwelling, two family dwelling, three family dwelling, a rear yard of a depth of at least 7.5 metres (24.61 feet); (72-239) (79-288) (80-049)
- (b) for every other building or structure, a rear yard of a depth of at least one one-hundred and twentieth part of the product obtained by multiplying the height of the building or structure by its width, less 1.5 metres (4.92 feet) where no balcony, sunroom or any window of a habitable room overlooks the rear yard, but no such rear yard shall have a depth of less than 3.0 metres (9.84 feet) and need not have a depth of more than 13.5 metres (44.29 feet) but plus 3.0 metres (9.84 feet) where any balcony, sunroom or any window of a habitable room does overlook such rear yard, but no such rear yard need have a depth of more than 13.5 metres (44.29 feet); (79-288) (80-049) (82-146)

INTENSITY OF USE

- (4) Every lot or tract of land upon which a dwelling or multiple dwelling is erected, converted or reconstructed shall have within the districts, (72-239)
- (i) for a single family dwelling, residential care facility, short-term care facility, or lodging house, a width of at least 12.0 metres (39.37 feet) and an area of at least 360.0 square metres (3,875.13 square feet); (79-288) (80-049) (81-27)
- (ii) for a two family dwelling a width of at least 15.0 metres (49.21 feet) and an area of at least 540.0 square metres (5,812.70 square feet); (79-288) (80-049)
- (iii) for a three family dwelling a width of at least 18.0 metres (59.06 feet) and an area of at least 600.0 square metres (6,458.56 square feet); (79-288) (80-049)

INTENSITY OF USE (CONT'D)

- 10B. (4) (iv) for a multiple dwelling a width of at least 21.0 metres (68.90 feet) an area of at least 630.0 square metres (6,781.49 square feet); (79-288) (80-049)
- (v) Repealed (72-239) (Row dwellings) (10307/64)

FLOOR AREA RATIO

- (5) No building or structure in a "DE-2" District shall have a gross floor area greater than the area within the district of the lot on which it is situate, multiplied by the floor area ratio factor of 0.90.

LANDSCAPED AREA

- (6) For every building or structure in a "DE-2" District, there shall be provided and maintained on the lot and within the district, at least one-quarter of the area of the lot on which it is situate, as landscaped area, unused for access or manoeuvring space or parking space or for any other purpose other than landscaped area including a playground. (10307/64) (79-288) (80-049) (83-66)

DISTANCE REQUIREMENTS

- (7) Except as provided in subsection 8, every residential care facility and every short-term care facility shall be situate on a lot having a minimum radial separation distance of 180.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a residential care facility or a short-term care facility. (81-27)
- (8) Where the radial separation distance from the lot line of an existing residential care facility or an existing short-term care facility is less than 180.0 metres to the lot line of any other lot occupied by a residential care facility or short-term care facility, the existing residential care facility or short-term care facility may be expanded or redeveloped to accommodate not more than the permitted number of residents. (81-27)

PRIOR EXISTING USES

- (9) The following uses existing on the date of the passing of By-Law No. 93-161 and any alteration, extension or enlargement of, the continuing uses after the passing of the By-Law shall be permitted:
- (i) A Townhouse Dwelling subject to the "RT-20" District provisions;
 - (ii) A Maisonette Dwelling subject to the "RT-20" District provisions;
 - (iii) A Street Townhouse Dwelling subject to the "RT-30" District provisions. (93-161)

10C
"DE-3" DIST'S
REGL'NS

SECTION TEN C - "DE-3" DISTRICTS

(MULTIPLE DWELLINGS)

REQUIREMENTS AS TO USE

- 10C. (1) Subject to the applicable provisions of Section 3, 18, 18A, and 19, in a "DE-3" District, no building or structure shall be erected, altered, extended or enlarged, and no building or structure or part thereof shall be used, and no land shall be used, for other than one or more of the following uses, (10209/63) (83-66)

- (i) Any use permitted in a "D" District except a district yard of a municipal Corporation. (66-103) (92-170)

RESIDENTIAL USES (10840/65)

- (ii) A two family dwelling, with accommodation for lodgers to the number of not more than three in each Class A dwelling unit; (81-27)
- (iii) A three family dwelling with accommodation for lodgers to the number of not more than three in each Class A dwelling unit; (81-27)
- (iv) (81-27) (Deleted by 92-281)
- (v) (72-239) (78-174) (Deleted by 93-161)
- (vi) A multiple dwelling, with accommodation for lodgers to the number of not more than three in each Class A dwelling unit; (See Section 18(8) for Special Requirements for Groups of Multiple Dwellings). (81-27)
- (via) A short-term care facility for the accommodation of not more than 6 residents. (81-27)

INSTITUTIONAL USES (10840/65)

- (vii) A nursing home, provided that in the case of a building erected after the first day of December, A.D. 1959 the lot has an area of at least 450.0 square metres (4,844 square feet). (79-288) (80-049) (83-66)
- (viii) A day nursery, provided that: (90-248)
- (i) Subject to subsection (ii), every such day nursery,
- (A) shall accommodate not more than 25 children, and

INSTITUTIONAL USES (CONT'D)

- 10C. (1) (viii) (i) (B) shall be situated on a lot having a minimum radial separation of 180.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a day nursery.
- (ii) Subsection (i) shall not apply to a day nursery located within a school, church, community centre, or other public building.

HEIGHT REQUIREMENTS

- (2) In a "DE-3" District, no building shall exceed three storeys, and no structure other than a building, shall exceed 11.0 metres (36.09 feet). (79-288) (80-049)

AREA REQUIREMENTS

- (3) There shall be provided and maintained within the district, for every building and structure in a "DE-3" District, the following yards, namely:

- (i) (a) for a single family dwelling, two family dwelling, three family dwelling, a front yard of a depth of at least 6.0 metres (19.69 feet), and (72-239) (79-288) (80-049)
- (b) for all other buildings or structures a front yard of a depth of at least one one-hundred and twentieth part of the product obtained by multiplying the height of the building structure by its width, but no such front yard shall have a depth of less than 4.5 metres (14.76 feet) and need not have a depth of more than 7.5 metres (24.61 feet), provided that with respect to said other buildings and structures, where a front yard abuts upon a street of a width of less than 20.0 metres (65.62 feet), the required depth shall be increased by half of the difference between the actual width of the street and 20.0 metres (65.62 feet): (79-288) (80-049) (82-146)

Provided, however, that where a deeper front yard is required for any lot in another district on the same side of the street between two intersecting streets, the front yard shall be increased in depth to what would have been required had the front yard required by this Section been in such other district:

- (ii) (a) for a single family dwelling, two family dwelling or three family dwelling, along each side lot line a side yard having a width of at least 1.2 metres (3.94 feet); (72-239) (79-288) (80-049)
- (b) for every other building or structure, along each side lot line a side yard of a width of at least one one-hundred and twentieth part of the product obtained by multiplying the height of the building by its length, less 1.5 metres (4.92 feet) where no balcony, sunroom or any window of a habitable room overlooks the side yard, but no such side yard shall

AREA REQUIREMENTS (CONT'D)

- 10C. (3) (ii) (b) have a width of less than 1.5 metres (4.92 feet), and need not have a width of more than 9.0 metres (29.53 feet), but plus 3.0 metres (9.84 feet) where any balcony, sunroom or window of a habitable room does overlook such side yard, but no such side yard shall have a width of less than 4.5 metres (14.76 feet) and need not have a width of more than 13.5 metres (44.29 feet): (79-288) (80-049) (82-146)

Provided that with respect to said other buildings and structures, where a side lot line is a street line, the side yard on that side shall have a width of at least 3.0 metres (9.84 feet), and need not have a width of more than 7.5 metres (24.61 feet); and that where a side lot line is the street line of a street less than 20.0 metres (65.62 feet) wide, the required width of the side yard on that side shall be increased by half of the difference between the actual width of the street and 20.0 metres (65.62 feet); (79-288) (80-049)

- (iii) (a) for a single family dwelling, two family dwelling, three family dwelling, a rear yard of a depth of at least 7.5 metres (24.61 feet), and (72-239) (79-288) (80-049)
- (b) for every other building or structure, a rear yard of a depth of at least one one-hundred and twentieth part of the product obtained by multiplying the height of the building or structure by its width, less 1.5 metres (4.92 feet) where no balcony, sunroom or any window of a habitable room overlooks the rear yard, but no such rear yard shall have a depth of less than 3.0 metres (9.84 feet) and need not have a depth of more than 13.5 metres (44.29 feet) but plus 3.0 metres (9.84 feet) where any balcony, sunroom or any window of a habitable room does overlook such rear yard, but no such rear yard need have a depth of more than 13.5 metres (44.29 feet): (79-288) (80-049) (82-146)

INTENSITY OF USE

- (4) Every lot or tract of land upon which a dwelling or multiple dwelling is erected, converted or reconstructed shall have within the district: (72-239)
- (i) for a single family dwelling, residential care facility, short-term care facility, or lodging house, a width of at least 12.0 metres (39.37 feet) and an area of at least 360.0 square metres (3875.13 square feet): (79-288) (80-049) (81-27)
- (ii) for a two family dwelling a width of at least 15.0 metres (49.21 feet) and an area of at least 540.0 square metres (5812.70 square feet): (79-288) (80-049)
- (iii) for a three family dwelling a width of at least 18.0 metres (59.06 feet) and an area of at least 600.0 square metres (6,458.56 square feet): (79-288) (80-049)



INTENSITY OF USE (CONT'D)

- 10C. (4) (iv) for a multiple dwelling a width of at least 21.0 metres (68.90 feet) and an area of at least 630.0 square metres (6,781.49 square feet): (79-288) (80-049)
- (v) Repealed (72-239) (Row dwellings) (10209/63)

FLOOR AREA RATIO

- (5) No building or structure in a "DE-3" District shall have a gross floor area greater than the area within the district of the lot on which it is situate, multiplied by the floor area ratio factor of 0.90. (10259/63)

LANDSCAPED AREA

- (6) For every building or structure in a "DE-3" District, there shall be provided and maintained on the lot and within the district, at least one-quarter of the area of the lot on which it is situate, as landscaped area, unused for access or manoeuvring space or parking space or for any other purpose other than landscaped area including a playground. (10209/63) (79-288) (80-049) (83-66)

DISTANCE REQUIREMENTS

- (7) Except as provided in subsection 8, every residential care facility and every short-term care facility shall be situate on a lot having a minimum radial separation distance of 180.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a residential care facility or a short-term care facility. (81-27)
- (8) Where the radial separation distance from the lot line of an existing residential care facility or an existing short-term care facility is less than 180.0 metres to the lot line of any other lot occupied by a residential care facility or short-term care facility, the existing residential care facility or short-term care facility may be expanded or redeveloped to accommodate not more than the permitted number of residents. (81-27)

PRIOR EXISTING USES

- (9) The following uses existing on the date of the passing of By-Law No. 93-161 and any alteration, extension or enlargement of the continuing uses after the passing of the By-Law shall be permitted:
- (i) A Townhouse Dwelling subject to the "RT-20" District provisions;
 - (ii) A Maisonette Dwelling subject to the "RT-20" District provisions;
 - (iii) A Street Townhouse Dwelling subject to the "RT-30" District provisions. (93-161)

PRIOR EXISTING USES (CONT'D)

- 10C. (10) Notwithstanding subsection (9), those lands located at Nos. 384 - 390 Limeridge Road East shall be deemed a "PRIOR EXISTING USE".
(93-161)

10D

"RT-10" DIST'S
REGL'NS

SECTION TEN D - "RT-10" DISTRICTS

(TOWNHOUSE)

10D. (1) In an "RT-10" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, within the district, except in accordance with the provisions of this Section. (78-45)

(2) Subject to the provisions of Sections 3, 18, 18A, and 19, in an "RT-10" District, as hereinafter set forth, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used within the district, for other than one or more of the following: (83-66)

(a) Residential Uses:

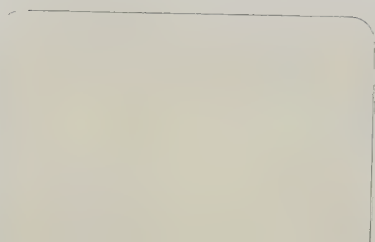
1. A Townhouse Dwelling;
2. A group of Townhouse Dwellings;
3. A Street Townhouse Dwelling, subject to the "RT-30" District provisions of Section 10F;
4. A Foster Home. (86-326)

(b) Institutional Uses:

1. A day nursery, provided that: (90-248)
 - (i) Subject to subsection (ii), every such day nursery,
 - (A) shall accommodate not more than 25 children, and
 - (B) shall be situated on a lot having a minimum radial separation of 180.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a day nursery.
 - (ii) Subsection (i) shall not apply to a day nursery located within a school, church, community centre, or other public building.

HEIGHT REQUIREMENTS

(3) In an "RT-10" District, no building or structure, within the district shall exceed three storeys, and no structure other than a building shall exceed 11.0 metres (36.09 feet) in height. (79-288) (80-049)



AREA REQUIREMENTS

- 10D. (4) In an "RT-10" District, there shall be provided and maintained for every building or structure, the following yards:
- (a) where a yard abuts a street, a depth of not less than 6.0 metres (19.69 feet) from the street line, and (79-288) (80-049)
 - (b) where a yard abuts any other lot, a width or depth of not less than 3.0 metres (9.84 feet), except where there are windows to a habitable room facing the yard, the width or depth of such yard shall not be less than 6.0 metres (19.69 feet). (80-049)

DISTANCE BETWEEN BUILDINGS

- (5) In an "RT-10" District, there shall be provided and maintained within the district where there is more than one building on a lot,
- (a) a distance not less than 3.5 metres (11.48 feet) between two exterior walls containing no window or windows; (79-288) (80-049)
 - (b) a distance not less than 9.0 metres (29.53 feet) between two exterior walls, one of which contains at least one window to a habitable room; (79-288) (80-049)
 - (c) a distance of not less than 15.0 metres (49.21 feet) between two exterior walls each of which contains at least one window to a habitable room. (79-288) (80-049)

INTENSITY OF USE

- (6) In an "RT-10" District, every lot or tract of land within the district, shall have a depth of not less than 30.0 metres (98.43 feet). (79-288) (80-049)
- (7) In an "RT-10" District, every lot or tract of land shall have,
- (a) an area of not less than 270.0 square metres (2906.35 square feet) for each single-family dwelling unit; (79-288) (80-049)
 - (b) a width of not less than 27.0 metres (88.58 feet). (79-288) (80-049)

PRIVACY AREAS

- (8) In an "RT-10" District there shall be provided and maintained a privacy area for each single family dwelling unit that,
- (a) is screened on two sides by means of a screen that is not less than 1.2 metres (3.94 feet) and not more than 2.0 metres (6.56 feet) in height, and (79-288) (80-049)
 - (b) is not less than 2.5 metres (8.20 feet) in depth. (79-288) (80-049)

PRIVACY AREAS (CONT'D)

- 10D. (9) Where a privacy area is comprised of the whole or part of,
- (a) a required yard, or
 - (b) a landscaped area, or
 - (c) a required yard and a landscaped area,
- the required yard or landscaped area or both may be reduced by the privacy area.

LANDSCAPED AREAS

- (10) In an "RT-10" District, there shall be provided and maintained on the same lot and within the "RT-10" District, for one or more buildings, or structures, an amount not less than 50% of the area of the lot on which the buildings or structures are situate, as landscaped area.
- (11) No part of any landscaped area provided under subsection 10 shall be used for parking space, manoeuvring space, access and egress driveways or for any other vehicular purpose of any kind.

PARKING REQUIREMENTS

- (12) Repealed (83-66)
- (13) Repealed (83-66)
- (14) (79-288) (80-049) Repealed (83-66)
- (15) (79-288) (80-049) Repealed (83-66)

EXEMPTIONS

- (16) Notwithstanding subsection 2, clause (iv) of subsection 4 of Section 18 shall not apply. (72-239) (76-277) (77-17) (77-269) (78-45)

DWELLING UNIT PLACEMENT

- (17) Not more than eight single family dwelling units shall be attached in a continuous row. (92-241)

10E "RT-20" DIST'S
REGL'NS

SECTION TEN E - "RT-20" DISTRICTS

(TOWNHOUSE - MAISONETTE)

- 10E. (1) In an "RT-20" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, within each district, except in accordance with the provisions of this Section. (78-45)
- (2) Subject to the provisions of Sections 3, 18, 18A, and 19, in an "RT-20" District, as hereinafter set forth, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used within each district, for other than one or more of the following: (83-66)

(a) Residential Uses:

1. A Townhouse Dwelling;
2. A group of Townhouse Dwellings;
3. A Street Townhouse Dwelling, subject to the "RT-30" District provisions of Section 10F;
4. Repealed. (90-248)
5. A Maisonette Dwelling;
6. A group of Maisonette Dwellings.
7. A Foster Home. (86-326)

(b) Institutional Uses:

1. A day nursery, provided that: (90-248)
 - (i) Subject to subsection (ii), every such day nursery,
 - (A) shall accommodate not more than 25 children, and
 - (B) shall be situated on a lot having a minimum radial separation of 180.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a day nursery.
 - (ii) Subsection (i) shall not apply to a day nursery located within a school, church, community centre, or other public building.

HEIGHT REQUIREMENTS

- (3) In an "RT-20" District, no building or structure, within the district shall exceed three storeys, and no structure other than a building shall exceed 11.0 metres (36.09 feet) in height. (79-288) (80-049)

AREA REQUIREMENTS

- 10E. (4) In an "RT-20" District, there shall be provided and maintained in the district, for every building or structure, the following yards:
- (a) where a yard abuts a street, a depth of not less than 6.0 metres (19.69 feet) from the street line, and (79-288) (80-049)
 - (b) where a yard abuts any other lot, a width or depth of not less than 3.0 metres (9.84 feet), except where there are windows to a habitable room facing the yard, the width or depth of such yard shall not be less than 6.0 metres (19.69 feet). (79-288) (80-049)

DISTANCE BETWEEN BUILDINGS

- (5) In an "RT-20" District, there shall be provided and maintained within the district where there is more than one building on a lot,
- (a) a distance not less than 3.5 metres (11.48 feet) between two exterior walls containing no window or windows; (79-288) (80-049)
 - (b) a distance not less than 9.0 metres (29.53 feet) between two exterior walls, one of which contains at least one window to a habitable room; (79-288) (80-049)
 - (c) a distance of not less than 15.0 metres (49.21 feet) between two exterior walls each of which contains at least one window to a habitable room. (79-288) (80-049)

INTENSITY OF USE

- (6) In an "RT-20" District, every lot or tract of land within the district, shall have a depth of not less than 30.0 metres (98.43 feet). (79-288) (80-049)
- (7) In an "RT-20" District, every lot or tract of land upon which,
- (a) a Townhouse Dwelling is erected, altered, extended, or enlarged shall have,
 - (i) an area not less than 230.0 square metres (2,475.78 square feet) for each single family dwelling unit; (79-288) (80-049)
 - (ii) a width of not less than 23.0 metres (75.46 feet); (79-288) (80-049)
 - (b) a Maisonette Dwelling is erected, altered, extended or enlarged shall have,
 - (i) an area not less than 165.0 square metres (1,776.10 square feet) for each single family dwelling unit; (79-288)
 - (ii) a width of not less than 36.0 metres (118.11 feet). (79-288)

PRIVACY AREAS

- 10E. (8) In an "RT-20" District, there shall be provided and maintained a privacy area for each single family dwelling unit that,
- (a) is screened on two sides by means of a screen that is not less than 1.2 metres (3.94 feet) and not more than 2.0 metres (6.56 feet) in height, and (79-288) (80-049)
 - (b) is not less than 2.5 metres (8.20 feet) in depth. (79-288) (80-049)
- (9) Where a privacy area is comprised of the whole or part of,
- (a) a required yard, or
 - (b) a landscaped area, or
 - (c) a required yard and a landscaped area,
- the required yard or landscaped area or both may be reduced by the privacy area.

LANDSCAPED AREAS

- (10) In an "RT-20" District, there shall be provided and maintained on the same lot and within the "RT-20" District, for one or more buildings or structures, an amount not less than 40% of the area of the lot on which the buildings or structures are situated, as landscaped area.
- (11) No part of any landscaped area provided under subsection 10 shall be used for parking space, manoeuvring space, access and egress driveways or for any vehicular purpose of any kind.

PARKING REQUIREMENTS

- (12) Repealed (83-66)
- (13) Repealed (83-66)
- (14) (79-288) (80-049) Repealed (83-66)
- (15) (79-288) (80-049) Repealed (83-66)

EXEMPTIONS

- (16) Notwithstanding subsection 2, clause (iv) of subsection 4 of Section 18 shall not apply. (72-239) (76-277) (77-17) (77-269) (78-45)

DWELLING UNIT PLACEMENT

- (17) (a) For townhouses, not more than eight single family dwelling units shall be attached in a continuous row.

DWELLING UNIT PLACEMENT (CONT'D)

- 10E. (17) (b) For maisonettes, not more than sixteen single family dwelling units shall be provided in one block, and not more than eight single family dwelling units shall be attached in a continuous row. (92-241)

SECTION TEN F - "RT-30" DISTRICTS

(STREET - TOWNHOUSE)

- 10F. (1) In an "RT-30" District no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, within the district, except in accordance with the provisions of this Section. (78-45)
- (2) Subject to the provisions of Sections 3, 18, 18A, and 19, in an "RT-30" District, as hereinafter set forth, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used within the district, for other than the following: (83-66)
- (a) **Residential Use:**
1. A Street Townhouse Dwelling or Street Townhouse Dwellings.
 2. A Foster Home. (86-326)
- (b) **Institutional Uses:**
1. A day nursery, provided that: (90-248)
 - (i) Subject to subsection (ii), every such day nursery,
 - (A) shall accommodate not more than 25 children, and
 - (B) shall be situated on a lot having a minimum radial separation of 180.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a day nursery.
 - (ii) Subsection (i) shall not apply to a day nursery located within a school, church, community centre, or other public building.

HEIGHT REQUIREMENTS

- (3) In an "RT-30" District, no building or structure, within the district shall exceed three storeys, and no structure other than a building shall exceed 11.0 metres (36.09 feet) in height. (80-049)

AREA REQUIREMENTS

- (4) In an "RT-30" District, there shall be provided and maintained in the district, for every building or structure, the following yards:

AREA REQUIREMENTS (CONT'D)

- 10F. (4) (a) a front yard of a depth of not less than 6.0 metres (19.69 feet); (79-288) (80-049) (92-170)
- (b) a rear yard of a depth not less than 7.5 metres (24.61 feet); (79-288) (80-049)
- (c) except as provided in clause (d), a side yard abutting a wall that is not a party wall, along each side lot line of a width of not less than,
- (i) 1.2 metres (3.94 feet) for a Street Townhouse Dwelling, not exceeding one storey in height; (79-288) (80-049)
 - (ii) 2.0 metres (6.56 feet) for a Street Townhouse Dwelling, not exceeding two storeys in height; (79-288) (80-049)
 - (iii) 2.5 metres (8.20 feet) for a Street Townhouse Dwelling, not exceeding three storeys in height; (79-288) (80-049)
- (d) a side yard abutting a wall that is not a party wall, along each side lot line of a width of not less than,
- (i) 3.0 metres (9.84 feet), for each dwelling unit for which a garage or carport is not provided as either attached to or as an integral part of the Street Townhouse Dwelling; (79-288) (80-049)

DISTANCE BETWEEN BUILDINGS

- (5) In an "RT-30" District, there shall be provided and maintained within the district where there is more than one building on a lot, a distance between buildings,
- (a) not exceeding one storey in height, of not less than 2.5 metres (8.20 feet); (79-288) (80-049)
 - (b) not exceeding two storeys in height, of not less than 3.5 metres (11.48 feet); (79-288) (80-049)
 - (c) not exceeding three storeys in height, of not less 5.0 metres (16.40 feet); (79-288) (80-049)

INTENSITY OF USE

- (6) In an "RT-30 District, every lot or tract of land upon which Street Townhouse Dwelling is erected, altered, extended or enlarged, shall have,
- (i) a lot area not less than 180.0 square metres (1,937.56 square feet) for each single family dwelling unit; (79-288) (80-049)
 - (ii) a width of not less than 6.0 metres (19.69 feet) for each dwelling unit. (79-288) (80-049)

PARKING REQUIREMENTS

10F. (7) Repealed (83-66)

EXEMPTIONS

- (8) Notwithstanding subsection 2, clause (iv) of subsection 4 of Section 18 shall not apply. (72-239) (76-277) (77-17) (77-269) (78-45)

DWELLING UNIT PLACEMENT

- (9) Not more than eight single family dwelling units shall be attached in a continuous row. (92-241)

SECTION TEN-ONE - "R-2" DISTRICTS

(URBAN PROTECTED RESIDENTIAL - ONE AND TWO FAMILY DWELLINGS, ETC.)

REQUIREMENTS AS TO USE

- 10.1 (1) Subject to the provisions of Sections 3, 18, 18A, and 19, in an "R-2" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, for other than one or more of the following uses:
1. A use as permitted in subsection 10(1) except townhouse dwellings.
- (2) The following "D" District provisions shall apply to an "R-2" District:
1. Height Requirements as provided in subsection 10(2);
 2. Area Requirements as provided in subsection 10(3);
 3. The Intensity of Use as provided in subsection 10(4);
 4. Distance Requirements as provided in subsections 10(6) and 10(7).

11
"E" DIST'S
REGL'NS

SECTION ELEVEN - "E" DISTRICTS

(MULTIPLE DWELLINGS, LODGES, CLUBS, ETC.)

REQUIREMENTS AS TO USE

11. (1) Subject to the provisions of Sections 3, 18, 18A, and 19, and save as otherwise provided in Section 19, in an "E" District, no building or structure shall be erected, altered, extended or enlarged, or shall any building or structure or part thereof be used, nor shall any land be used, for other than one or more of the following uses, namely: (6801/51) (8158/57) (8770/59) (83-66)
- (i) A use as permitted in a "D" District;

RESIDENTIAL USES

- (ii) (81-27) (Deleted by 92-281)
- (iia) (7348/54) (9016/60) (9059/60) (72-239) (78-174)
(Deleted by 93-161)
- (iib) A three family dwelling with accommodation for not more than three lodgers in each Class A dwelling unit therein; (8069/57) (81-27)
- (iii) A multiple dwelling; (See Section 18(8) for Special Requirements for Groups of Multiple Dwellings), and (9016/60)
- (iiia) A Student Residence; (68-327)
- (iiib) A residential care facility for the accommodation of not more than 20 residents. (81-27).
- (iiic) A short-term care facility for the accommodation of not more than 20 residents. (81-27)
- (iv) (Deleted by 10346/64) (Apartment Hotel)
- (v) A lodging house or tourist home for the accommodation of not more than twenty persons; (81-27)

INSTITUTIONAL USES (10840/65)

- (va) A nursing home, provided that in the case of a building erected after the first day of July, A.D., 1959 the lot has an area of at least 450.0 square metres (4843.76 square feet); (8696/59) (79-288) (80-049) (83-66)

INSTITUTIONAL USES (10840/65) (CONT'D)

11. (1) (vb) (8696/59) (79-288) (80-049) Repealed. (81-27)
- (vc) changed to (xi) (10840/65)
- (vi) A public hospital or private hospital, provided that every building used in whole or in part for the treatment of patients or for residential purposes shall be 6.0 metres (19.69 feet) from the front or side lot lines and 7.5 metres (24.61 feet) from the rear lot line for any part of the building which is one storey in height or 9.0 metres (29.53 feet) from any lot line for any part of the building which exceeds one storey in height but excepting any part of such buildings or buildings used for a purpose accessory to the treatment of patients or to the housing of residents which may be distant from a lot line as normally required for yards in the Zoning District, but no side yard shall be less than 3.0 metres (9.84 feet) in width. (8770/59) (79-288) (80-049)
- (vii) A home for the aged provided same is used for the sleeping accommodation of not more than twenty persons; (81-27)
- (viia) A day nursery. (90-248)

PUBLIC USES (10575/64)

- (viii) A private club, lodge, fraternity or sorority house or labour union hall, which may include sleeping accommodation for not more than twenty persons, but this clause shall not be so construed as to permit the establishment on any premises of an insurance benefit society or other use that is customarily carried on as a business; (6692/52) (7152/53)

COMMERCIAL USES

- (ix) (Deleted by 72-90) (Doctors Offices) (10575/64)
- (x) Office or consultative uses or personal clinical services by a 'charitable institution' within the meaning of The Charitable Institutions Act, which may be in a dwelling or a converted dwelling, provided; (6692/51) (7467/55) (10575/64)
- (a) that same is structurally suitable for the proposed conversion;
- (b) that any increase in the cubic contents is in accordance with the provisions of this By-Law with respect to height and area, and that the external appearance and residential character is preserved;
- (c) that there shall be no outside stairway other than an unenclosed fire escape;

COMMERCIAL USES (CONT'D)

11. (1) (x) (d) that there is no additional use in the building save living quarters for necessary maintenance staff;
- (e) (79-288) (80-049) Repealed (83-66)
- (f) that there is no sign other than a non-illuminated wall sign of an area of not more than 0.2 square metres (2.15 square feet); (7467/55) (79-288) (80-049)

ACCESSORY AND INCIDENTAL USES (10840/65)

- (xi) One ground sign, wall sign or projecting sign, of an area of not more than 0.4 square metres (4.31 square feet), non-illuminated or illuminated by non-flashing, indirect, or interior means only, located at least 1.5 metres (4.92 feet), from the nearest street line in connection with a lodging house, tourist home, nursing home, residential care facility or short-term care facility. (10575/64) (10840/65) (79-288) (80-049) (92-170)
- (xii) Any or all of the following service types of use in a multiple dwelling: (10698/65) (92-170)
- (a) a beauty parlour
 - (b) a barber shop
 - (c) a shoe shine parlour which may include hat renovating services
 - (d) a tobacconist and newsdealer
 - (e) a valet service
 - (f) automatic vending machines
 - (g) a collecting and distributing station for a laundry or dry cleaning establishment
 - (h) a retail variety store provided that the total floor space for sales and storage does not exceed 93.0 square metres (1001.04 square feet); (10698/65) (79-288) (80-049)

provided that all of the following conditions are complied with

- (i) except with regard to automatic vending machines which shall be permitted in all multiple dwellings, no such use shall be permitted in a multiple dwelling having 100 or fewer self-contained Class A dwelling units; (92-170)
- (j) any such use shall have access only from within the interior of the building, and with the exception of automatic vending machines providing laundry facilities shall not be located above the storey containing the foyer; (92-170)

ACCESSORY AND INCIDENTAL USES (10840/65) (CONT'D)

11. (1) (xii) (k) no indication of the existence or availability of any such use whether by way of sign, display, or otherwise shall be visible from the outside of the building. (10698/65) (92-170)

HEIGHT REQUIREMENTS

- (2) (i) No building for a single family dwelling, two family dwelling or three family dwelling shall exceed two and one-half storeys in height; (76-148)
- (ii) Except as provided in clause (iii), no building or structure for any other use shall exceed eight storeys or 26.0 metres (85.30 feet) in height; (76-148) (79-288) (80-049)
- (iii) Where a building or structure is distant not less than 30.0 metres (98.43 feet) from an "AA", "B", "B-1", "B-2", "C", "D" or "L-r" District, the height of a building or structure shall not exceed twelve storeys or 39.0 metres (127.95 feet) in height. (7348/54) (8770/59) (9141/60) (9748/62) (72-239) (76-148) (79-288) (80-049)

AREA REQUIREMENTS

- (3) There shall be provided and maintained within the district, for every building and structure in an "E" District, the following yards, namely: (8927/60) (9748/62)
- (i) (a) for every single family dwelling, two family dwelling or three family dwelling, a front yard of a depth of at least 4.5 metres (14.76 feet); and (9748/62) (72-239) (79-288) (80-049)
- (b) for all other buildings or structures a front yard of a depth of at least one one-hundred and twentieth part of the product obtained by multiplying the height of the building or structure by its width, but no such front yard shall have a depth of less than 3.0 metres (9.84 feet) and need not have a depth of more than 7.5 metres (24.61 feet), provided that with respect to said other buildings and structures, where a front yard abuts upon a street of a width of less than 20.0 metres (65.62 feet), the required depth shall be increased by half of the difference between the actual width of the street and 20.0 metres (65.62 feet); (7348/54) (9748/62) (79-288) (80-049) (81-238)

Provided, however, that where a deeper front yard is required for any lot in another district on the same side of the street between two intersecting streets, the front yard shall be increased in depth of what would have been required had the front yard required by this section been in such other district; (9748/62)

AREA REQUIREMENTS (CONT'D)

11. (3) (ii) (a) for a single family dwelling, two family dwelling or three family dwelling, along each side lot line a side yard having a width of at least 1.2 metres (3.94 feet); and (72-239) (79-288) (80-049)
- (b) for every other building or structure, along each side lot line a side yard of a width of at least one one-hundred and twentieth part of the product obtained by multiplying the height of the building by its length, less 1.5 metres (4.92 feet) where no balcony, sunroom or any window of a habitable room overlooks the side yard, but no such side yard shall have a width of less than 1.5 metres (4.92 feet), and need not have a width of more than 9.0 metres (29.53 feet), but plus 3.0 metres (9.84 feet) where any balcony, sunroom or window of a habitable room does overlook such side yard, but no such side yard shall have a width of less than 4.5 metres (14.76 feet) and need not have a width of more than 13.5 metres (44.29 feet); (79-288) (6902/52) (9748/62) (80-049) (81-238)

Provided that with respect to said other buildings and structures, where a side lot line is a street line, the side yard on that side shall have a width of at least 3.0 metres (9.84 feet), and need not have a width of more than 7.5 metres (24.61 feet); and that where a side lot line is the street line of a street less than 20.0 metres (65.62 feet) wide, the required width of the side yard on that side shall be increased by half of the difference between the actual width of the street and 20.0 metres (65.62 feet); (79-288) (7948/62) (80-049)

- (iii) (a) for a single family dwelling, two family dwelling, three family dwelling, a rear yard of a depth of at least 7.5 metres (24.61 feet), and; (9748/62) (72-239) (79-288) (80-049)
- (b) for every other building or structure, a rear yard of a depth of at least one one-hundred and twentieth part of the product obtained by multiplying the height of the building or structure by its width, less 1.5 metres (4.92 feet) where no balcony, sunroom or any window of a habitable room overlooks the rear yard, but no such rear yard shall have a depth of less than 3.0 metres (9.84 feet) and need not have a depth of more than 13.5 metres (44.29 feet); plus 3.0 metres (9.84 feet) where any balcony, sunroom or any window of a habitable room does overlook such rear yard, but no such rear yard need have a depth of more than 13.5 metres (44.29 feet); (9748/62) (79-288) (80-049) (81-238)

INTENSITY OF USE

- (4) Every lot or tract of land upon which a dwelling or multiple dwelling is erected, converted or reconstructed in an "E" District, shall have within the district: (7348/54) (8927/60) (10346/64) (72-239)



INTENSITY OF USE (CONT'D)

11. (4) (i) for a single family dwelling, residential care facility, short-term care facility, lodging house, or two family dwelling, a width of at least 12.0 metres (39.37 feet) and an area of at least 360.0 square metres (3875.13 square feet); (79-288) (80-049) (81-27)
- (ii) for a three family dwelling, a width of at least 12.0 metres (39.37 feet) and an area of at least 405.0 square metres (4,359.53 square feet); (79-288) (80-049)
- (iii) for a multiple dwelling, a width of at least 15.0 metres (49.21 feet) and an area of at least 450.0 square metres (4,843.92 square feet); (6692/51) (9748/62) (10346/64) (79-288) (80-049)
- (iiia) for a Student Residence, a width of at least 15.0 metres (49.21 feet) and an area of at least 450.0 square metres (4,843.92 square feet); (68-327) (79-288) (80-049)
- (iv) Repealed. (72-239) (Row Dwellings) (7348/54) (9748/62)

FLOOR AREA RATIO

- (5) No building or structure in an "E" District shall have a gross floor area greater than the area within the district of the lot on which it is situate, multiplied by the floor area ratio factor of 1.7. (8373/58) (9016/60) (9748/62) (10032/63) (10259/63)

LANDSCAPED AREA

- (6) For every building or structure there shall be provided and maintained on the same lot within the district an amount not less than 25% of the area of the lot on which the building or structure is situate, as landscaped area. (76-148) (92-170)

DISTANCE REQUIREMENTS

- (7) Except as provided in subsection 8, every residential care facility and every short-term care facility shall be situate on a lot having a minimum radial separation distance of 180.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a residential care facility or a short-term care facility. (81-27)
- (8) Where the radial separation distance from the lot line of any existing residential care facility or an existing short-term care facility is less than 180.0 metres to the lot line of any other lot occupied by a residential care facility or short-term care facility, the existing residential care facility or short-term care facility may be expanded or redeveloped to accommodate not more than the permitted number of residents. (81-27)

PRIOR EXISTING USES

11. (9) The following uses existing on the date of the passing of By-Law No. 93-161 and any alteration, extension or enlargement of the continuing uses after the passing of the By-Law shall be permitted:
- (i) A Townhouse Dwelling subject to the "RT-20" District provisions;
 - (ii) A Maisonette Dwelling subject to the "RT-20" District provisions;
 - (iii) A Street Townhouse Dwelling subject to the "RT-30" District provisions. (93-161)

11A
"E-1" DIST'S
REG'L'NS

SECTION ELEVEN A - "E-1" DISTRICTS

(MULTIPLE DWELLINGS, LODGES, CLUBS, ETC.)

REQUIREMENTS AS TO USE

- 11A. (1) Subject to the provisions of Sections 3, 18, 18A and 19, in an "E-1" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or part thereof be used, nor shall any land be used, for other than one or more of the following uses, namely: (7176/53) (8158/57) (83-66)
- (i) Any use permitted in an "E" District, save as in this section otherwise provided, but excepting a district yard of a municipal Corporation: (8646/59) (9748/62) (92-170)

INSTITUTIONAL USES

- (ia) A day nursery. (90-248)

COMMERCIAL USES

- (ii) The conversion of an existing dwelling into an office building, for any "E" District use as permitted under clause i, anywhere in the building, or for any office use, anywhere in the building (8251/58) provided that
- (a) same is structurally suitable for the proposed conversion;
- (b) there is no outside stair except an open fire escape;
- (c) (Deleted by 10575/64) (7176/53)
- (d) there is no alteration or addition save such as are reasonably necessary for the use of the building for offices, and that all external alteration and all external change in appearance shall be such that the external appearance will remain in harmony with the residential character of the neighbourhood; and (8251/58)
- (e) (8251/58) (79-288) (80-049) Repealed (83-66)
- (iii) The conversion of all or part of the first storey of an existing dwelling and the use of the whole or any part of the said first storey for any one or more of the following uses, namely; opticians' offices, optometrists' establishments, a photographer's or artist's studio, a barber shop or hairdressing establishment, a beauty parlour or massage parlour, a tailor's shop, a dressmaker's establishment, a millinery shop, or a wearing apparel workshop, provided that (8251/58) (78-171)
- (a) the same is structurally suitable for the proposed conversion;

COMMERCIAL USES (CONT'D)

- 11A. (1) (iii) (b) there is no outside stair except an open fire escape;
- (c) there is no sign except a non-illuminated wall sign of an area of not more than 0.2 square metres (2.15 square feet); (79-288) (80-049)
- (d) there is no display of goods which can be seen from the street;
- (e) there is no enlargement or external alteration of the building;
- (f) there is no internal alteration save what is reasonably necessary for the use for which the conversion is made, and
- (g) there is no storage room save one accessory to a permitted use, and which occupies no more than one-quarter of the floor area of such permitted use. (8251-58)
- (iv) One ground sign, wall sign, or projecting sign of an area of not more than 0.4 square metres (4.31 square feet), non-illuminated or illuminated by non-flashing, indirect, or interior means only, located at least 1.5 metres (4.92 feet) from the nearest street line in connection with any commercial use permitted in the district. (10575/64) (79-288) (80-049)

HEIGHT REQUIREMENTS

- (2) (i) No building for a single family dwelling, two family dwelling or three family dwelling shall exceed two and one-half storeys in height; (76-148)
- (ii) Except as provided in clause (iii), no building or structure for any other use shall exceed eight storeys or 26.0 metres (85.30 feet) in height; (76-148) (79-288) (80-049)
- (iii) Where a building is distant not less than 30.0 metres (98.43 feet) from an "AA", "B", "B-1", "B-2", "C", "D", or "L-r" District, the height of a building or structure shall not exceed twelve storeys or 39.0 metres (127.95 feet) in height. (8770/59) (9141/60) (9748/62) (72-239) (76-148) (79-288) (80-049)

AREA REQUIREMENTS

- (3) There shall be provided and maintained within the district, for every building and structure in an "E-1" District, the following yards, namely: (8927/60) (9748-62)
- (i) (a) for every single family dwelling, two family dwelling or three family dwelling, a front yard of a depth of at least 4.5 metres (14.76 feet); and (72-239) (79-288) (9748/62) (80-049)

AREA REQUIREMENTS (CONT'D)

- 11A. (3) (i) (b) for all other building or structures a front yard of a depth of at least one one-hundred and twentieth part of the product obtained by multiplying the height of the building or structure by its width, but no such front yard shall have a depth of less than 3.0 metres (9.84 feet) and need not have a depth of more than 7.5 metres (24.61 feet), provided that with respect to said other buildings and structures, where a front yard abuts upon a street of a width of less than 20.0 metres (65.62 feet), the required depth shall be increased by half of the difference between the actual width of the street and 20.0 metres (65.62 feet); (9748/62) (79-288) (80-049) (81-238)

Provided, however, that where a deeper front yard is required for any lot in another district on the same side of the street between two intersecting streets, the front yard shall be increased in depth to what would have been required had the front yard required by this section been in such other district; (9748/62)

- (ii) (a) for a single family dwelling, two family dwelling or three family dwelling, along each side lot line a side yard having a width of at least 1.2 metres (3.94 feet); and (72-239) (9748-62) (79-288) (80-049)
- (b) for every other building or structure, along each side lot line a side yard of a width of at least one one-hundred and twentieth part of the product obtained by multiplying the height of the building by its length, less 1.5 metres (4.92 feet) where no balcony, sunroom or any window of a habitable room overlooks the side yard, but no such side yard shall have a width of less than 1.5 metres (4.92 feet), and need not have a width of more than 9.0 metres (29.53 feet), but plus 3.0 metres (9.84 feet) where any balcony, sunroom or window of a habitable room does overlook such side yard, but no such side yard shall have a width of less than 4.5 metres (14.76 feet) and need not have a width of more than 13.5 metres (44.29 feet); (79-288) (80-049) (81-238)

Provided that with respect to said other buildings and structures, where a side lot line is a street line, the side yard on that side shall have a width of at least 3.0 metres (9.84) feet), and need not have a width of more than 7.5 metres (24.61 feet); and that where a side lot line is the street line of a street less than 20.0 metres (65.62 feet) wide, the required width of the side yard on that side shall be increased by half of the difference between the actual width of the street and 20.0 metres (65.62 feet); (9748/62) (79-288) (80-049)

- (iii) (a) for a single family dwelling, two family dwelling, three family dwelling, a rear yard of a depth of at least 7.5 metres (24.61 feet); and (72-239) (9748/62) (79-288) (80-049)



AREA REQUIREMENTS (CONT'D)

- 11A. (3) (iii) (b) for every other building or structure, a rear yard of a depth of at least one one-hundred and twentieth part of the product obtained by multiplying the height of the building or structure by its width, less 1.5 metres (4.92 feet) where no balcony, sunroom or any window of a habitable room overlooks the rear yard, but no such rear yard shall have a depth of less than 3.0 metres (9.84 feet) and need not have a depth of more than 13.5 metres (44.29 feet); but plus 3.0 metres (9.84 feet) where any balcony, sunroom or any window of a habitable room does overlook such rear yard, but no such rear yard need have a depth of more than 13.5 metres (44.29 feet); (9748/62) (79-288) (80-049) (81-238)

INTENSITY OF USE

- (4) Every lot or tract of land upon which a dwelling or multiple dwelling is erected, converted or reconstructed in an "E-1" District shall, have within the district: (72-239) (9748-62) (10346/64)
- (i) for a single family dwelling, residential care facility, short-term care facility, lodging house, or two family dwelling a width of at least 12.0 metres (39.37 feet) and an area of at least 360.0 square metres (3875.13 square feet); (9748/62) (79-288) (80-049) (82-27)
- (ii) for a three family dwelling, a width of at least 12.0 metres (39.37 feet) and an area of at least 405.0 square metres (4359.53 square feet); (79-288) (9748/62) (80-049)
- (iii) for a multiple dwelling, a width of at least 15.0 metres (49.21 feet) and an area of at least 450.0 square metres (4843.92 square feet); (10346/64) (9748/62) (79-288) (80-049)
- (iv) Repealed. (72-239) (Row Dwellings) (9748/62)

FLOOR AREA RATIO

- (5) No building or structure in an "E-1" District shall have a gross floor area greater than the area within the district of the lot on which it is situate, multiplied by the floor area ratio factor of 1.7. (9748/62) (10032/63) (10259/63)

LANDSCAPED AREA

- (6) For every building or structure there shall be provided and maintained on the same lot within the district an amount not less than 25% of the area of the lot on which the building or structure is situate, as landscaped area. (76-148) (92-170)

DISTANCE REQUIREMENTS

- 11A. (7) Except as provided in subsection 8, every residential care facility and every short-term care facility shall be situate on a lot having a minimum radial separation distance of 180.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a residential care facility or a short-term care facility. (81-27)
- (8) Where the radial separation distance from the lot line of an existing residential care facility or an existing short-term care facility is less than 180.0 metres to the lot line of any other lot occupied by a residential care facility or short-term care facility, the existing residential care facility or short-term care facility may be expanded or redeveloped to accommodate not more than the permitted number of residents. (81-27)

11B

"E-2" DIST'S
REGL'NS

SECTION ELEVEN B - "E-2" DISTRICTS

(MULTIPLE DWELLINGS)

REQUIREMENTS AS TO USE

- 11B. (1) Subject to the applicable provisions of Sections 3, 18, 18A, and 19, in an "E-2" District, no building or structure shall be erected, altered, extended or enlarged, and no building or structure or part thereof shall be used, and no land shall be used, for other than one or more of the following uses; (8319/58) (83-66)

- (i) A use permitted in a "C" District;

RESIDENTIAL USES (10840/65)

- (ii) A two family dwelling with accommodation for lodgers to the number of not more than three in each Class A dwelling unit; (81-27)
- (iii) A three family dwelling with accommodation for lodgers to the number of not more than three in each Class A dwelling unit; (81-27)
- (iv) (81-27) (Deleted by 92-281)
- (v) (9016/60) (72-239) (78-174) (93-161)
- (vi) A multiple dwelling with accommodation for lodgers to the number of not more than three in each Class A dwelling unit; (See Section 18(8) for Special Requirements for Groups of Multiple Dwellings). (9016/60) (81-27)
- (via) A residential care facility for the accommodation of not more than 20 residents. (81-27)
- (vib) A short-term care facility for the accommodation of not more than 20 residents. (81-27)

INSTITUTIONAL USES (10849/65)

- (vii) A nursing home, provided that in the case of a building erected after the first day of December, A.D. 1959 the lot has an area of at least 450.0 square metres (4843.92 square feet); (8811/59) (79-288) (80-049) (83-66)
- and in connection therewith one ground sign, wall sign, or projecting sign, of an area of not more than 0.4 square metres (4.31 square feet), non illuminated or illuminated by non-flashing, indirect, or interior means only, located at least 1.5 metres (4.92 feet) from the nearest street line. (10575/64) (79-288) (80-049)
- (viia) A day nursery. (90-248)

PUBLIC USES (66-273)

- 11B. (1) (viii) A college or university. (66-273)

ACCESSORY AND INCIDENTAL USES

- (ix) Any or all of the following service types of use in a multiple dwelling: (10698/65) (92-170)
- (a) a beauty parlour
 - (b) a barber shop
 - (c) a shoe shine parlour which may include hat renovating services
 - (d) a tobacconist and newsdealer
 - (e) a valet service
 - (f) automatic vending machines
 - (g) a collecting and distributing station for a laundry or dry cleaning establishment
 - (h) a retail variety store provided that the total floor space for sales and storage does not exceed 93.0 square metres (1001.08 square feet); (10698/65) (79-288) (80-049)

provided that all of the following conditions are complied with (10698/65)

- (a) except with regard to automatic vending machines which shall be permitted in all multiple dwellings, no such use shall be permitted in a multiple dwelling having 100 or fewer self-contained Class A dwelling units;
- (b) any such use shall have access only from within the interior of the building, and with the exception of automatic vending machines providing laundry facilities shall not be located above the storey containing the foyer;
- (c) no indication of the existence or availability of any such use whether by way of sign, display, or otherwise shall be visible from the outside of the building. (10698/65)

HEIGHT REQUIREMENTS

- (2) (i) No building for a single family dwelling, two family dwelling or three family dwelling shall exceed two and one-half storeys in height; (76-148)
- (ii) Except as provided in clause (iii), no building or structure for any other use shall exceed eight storeys or 26.0 metres (85.30 feet) in height; (79-288) (80-049)

HEIGHT REQUIREMENTS (CONT'D)

- 11B. (2) (iii) where a building is distant not less than 30.0 metres (98.43 feet) from an "AA", "B", "B-1", "B-2", "C", "D", or "L-r" District, the height of a building or structure shall not exceed twelve storeys or 39.0 metres (127.95 feet) in height. (9141/60) (9748/62) (72-239) (76-148) (79-288) (80-049)

AREA REQUIREMENTS

- (3) There shall be provided and maintained within the district, for every building and structure in an "E-2" District, the following yards, namely: (8927/60) (9748/62)

- (i) (a) for every single family dwelling, two family dwelling or three family dwelling, a front yard of a depth of at least 4.5 metres (14.76 feet), and (72-239) (9478/62) (79-288) (80-049)
- (b) for all other buildings or structures a front yard of a depth of at least one one-hundred and twentieth part of the product obtained by multiplying the height of the building or structure by its width, but no such front yard shall have a depth of less than 3.0 metres (9.84 feet) and need not have a depth of more than 7.5 metres (24.61 feet), provided that with respect to said other buildings and structures, where a front yard abuts upon a street of a width of less than 20.0 metres (65.62 feet), the required depth shall be increased by half of the difference between the actual width of the street and 20.0 metres (65.62 feet); (9748/62) (79-288) (80-049) (81-238)

Provided, however, that where a deeper front yard is required for any lot in another district on the same side of the street between two intersecting streets, the front yard shall be increased in depth to what would have been required had the front yard required by this Section been in such other district; (9478/62)

- (ii) (a) for a single family dwelling, two family dwelling or three family dwelling, along each side lot line, a side yard having a width of at least 1.2 metres (3.94 feet); and (9748/62) (72-239) (79-288) (80-049)
- (b) for every other building or structure, along each side lot line a side yard of a width of at least one one-hundred and twentieth part of the product obtained by multiplying the height of the building by its length, less 1.5 metres (4.92 feet) where no balcony, sunroom or any window of a habitable room overlooks the side yard, but no such side yard shall have a width of less than 1.5 metres (4.92 feet), and need not have a width of more than 9.0 metres (29.53 feet), but plus 3.0 metres (9.84 feet) where any balcony, sunroom or window of a habitable room does overlook such side yard, but no

AREA REQUIREMENTS (CONT'D)

- 11B. (3) (ii) (b) such side yard shall have a width of less than 4.5 metres (14.76 feet) and need not have a width of more than 13.5 metres (44.29 feet); (79-288) (80-049) (81-238)

Provided that with respect to said other buildings structures, where a side lot line is a street line, the side yard on that side shall have a width of at least 3.0 metres (9.84 feet), and need not have a width of more than 7.5 metres (24.61 feet); and that where a side lot line is the street line of a street less than 20.0 metres (65.62 feet) wide, the required width of the side yard on that side shall be increased by half of the difference between the actual width of the street and 20.0 metres (65.62 feet); (79-288) (9478/62) (80-049)

- (iii) (a) for a single family dwelling, two family dwelling, three family dwelling, a rear yard of a depth of at least 7.5 metres (24.61 feet; and, (72-239) (9478/62) (79-288) (80-049)
- (b) for every other building or structure, a rear yard of a depth of at least one one-hundred and twentieth part of the product obtained by multiplying the height of the building or structure by its width, less 1.5 metres (4.92 feet) where no balcony, sunroom or any window of a habitable room overlooks the rear yard, but no such rear yard shall have a depth of less than 3.0 metres (9.84 feet) and need not have a depth of more than 13.5 metres (44.29 feet); but plus 3.0 metres (9.84 feet) where any balcony, sunroom or any window of a habitable room does overlook such rear yard, but no such rear yard need have a depth of more than 13.5 metres (44.29 feet); (9748/62) (79-288) (80-049) (81-238)

INTENSITY OF USE

- (4) Every lot or tract of land upon which a dwelling or multiple dwelling is erected, converted or reconstructed shall have within the district: (72-239) (9478/62)
- (i) for a single family dwelling, residential care facility or short-term care facility, a width of at least 12.0 metres (39.37 feet) and an area of at least 360.0 square metres (3875.13 square feet); (79-288) (80-049) (81-27)
- (ii) for a two family dwelling a width of at least 12.0 metres (39.37 feet) and an area of at least 450.0 square metres (4843.92 square feet); (79-288) (80-049)
- (iii) for a three family dwelling a width of at least 13.5 metres (44.29 feet) and an area of at least 540.0 square metres (5812.70 square feet); (79-288) (80-049)
- (iv) for a multiple dwelling a width of at least 15.0 metres (49.21 feet) and an area of at least 540.0 square metres (5812.70 square feet); (9478/62) (79-288) (80-049)
- (v) Repealed. (72-239) (Row Dwellings) (9478/62)

FLOOR AREA RATIO

- 11B. (5) No building or structure in an "E-2" District shall have a gross floor area greater than the area within the district of the lot on which it is situate, multiplied by the floor area ratio factor of 1.19. (9748/62) (10106/63) (10259/63)

LANDSCAPED AREA

- (6) For every building or structure, there shall be provided and maintained on the same lot within the district an amount not less than 25% of the area of the lot on which the building or structure is situate, as landscaped area. (76-148) (8319/58) (92-170)

DISTANCE REQUIREMENTS

- (7) Except as provided in subsection 8, every residential care facility and every short-term care facility shall be situate on a lot having a minimum radial separation distance of 180.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a residential care facility or a short-term care facility. (81-27)
- (8) Where the radial separation distance from the lot line of an existing residential care facility or an existing short-term care facility is less than 180.0 metres to the lot line of any other lot occupied by a residential care facility or short-term care facility, the existing residential care facility or short-term care facility may be expanded or redeveloped to accommodate not more than the permitted number of residents. (81-27)

PRIOR EXISTING USES

- (9) The following uses existing on the date of the passing of By-Law No. 93-161 and any alteration, extension or enlargement of the continuing uses after the passing of the By-Law shall be permitted:
- (i) A Townhouse Dwelling subject to the "RT-20" District provisions;
 - (ii) A Maisonette Dwelling subject to the "RT-20" District provisions;
 - (iii) A Street Townhouse Dwelling subject to the "RT-30" District provisions. (93-161)
- (10) Notwithstanding subsection (9), those lands located at No. 1620 Upper Wentworth Street shall be deemed a "PRIOR EXISTING USE". (93-161)

11C "E-3" DIST'S
REGL'NS

SECTION ELEVEN C - "E-3" DISTRICTS

(HIGH DENSITY MULTIPLE DWELLINGS)

- 11C. (1) Subject to the provisions of Sections 3, 18, 18A, and 19, in an "E-3" District, no building shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, for other than one or more of the following uses, namely: (9451/61) (83-66)

- (i) Uses permitted in an "E" District:

HEIGHT REQUIREMENTS (76-148)

- (1a) (a) except as provided in clause (c), where a building or structure is distant not greater than 30.0 metres (98.43 feet) from an "AA", "B", "B-1", "B-2", "C", "D" or "L-r" District, the height of a building or structure shall not exceed eight storeys or 26.0 metres (85.30 feet) in height: (76-148) (79-288) (80-049)
- (b) except as provided in clause (c), where a building or structure is distant not greater than 30.0 metres (98.43 feet) from a "DE", "DE-2", "DE-3", "RT-10", "RT-20" or "RT-30" District, the height of a building or structure shall not exceed twelve storeys or 39.0 metres (127.95 feet) in height; (76-148) (79-288) (80-049) (92-170)
- (c) where a building or structure is distant not less than 30.0 metres (98.43 feet) from an, (79-288) (80-049)
- (i) "AA", "B", "B-1", "B-2", "C", "D" and "L-r" District, and
- (ii) "DE", "DE-2", "DE-3", "RT-10", "RT-20" and "RT-30" District, the height of a building or structure shall not exceed eighteen storeys or 57.0 metres (187.01 feet) in height. (76-148) (79-288) (80-049) (92-170)

AREA REQUIREMENTS

- (2) For every building or structure in an "E-3" District, yards shall be provided and maintained within the district, in accordance with the following provisions, namely:

- (a) a front yard having a depth of at least one one-hundred and twentieth part of the product obtained by multiplying the height of the building or structure by its width, but no such front yard shall have a depth of less than 3.0 metres (9.84 feet) and need not have a depth of more than 7.5 metres (24.61 feet), Provided that where a front yard abuts upon a street of a width of less than 20.0 metres (65.62 feet), the required depth shall be increased by half of the difference between the actual width of the street and 20.0 metres (65.62 feet); (79-288) (80-049) (81-238)

AREA REQUIREMENTS (CONT'D)

- 11C. (2) (b) Along each side lot line a side yard having a width of at least one one-hundred and twentieth part of the product obtained by multiplying the height of the building by its length, less 1.5 metres (4.92 feet) where no balcony, sunroom or any window of a habitable room overlooks the side yard, but no such side yard shall have a width of less than 1.5 metres (4.92 feet) and need not have a width of more than 9.0 metres (29.53 feet); but plus 3.0 metres (9.84 feet) where any balcony, sunroom or window of a habitable room does overlook such side yard, but no such side yard shall have a width of less than 4.5 metres (14.76 feet), and need not have a width of more than 13.5 metres (44.29 feet); (79-288) (80-049) (81-238)

Provided that where a side lot line is a street line, the side yard on that side shall have a width of at least 3.0 metres (9.84 feet), and need not have a width of more than 7.5 metres (24.61 feet); (79-288) (80-049)

And provided further, that where a side lot line is the street line of a street less than 20.0 metres (65.62 feet) wide, the required width of the side yard on that side shall be increased by half of the difference between the actual width of the street and 20.0 metres (65.62 feet); (79-288) (80-049)

- (c) a rear yard having a depth of at least one one-hundred and twentieth part of the product obtained by multiplying the height of the building or structure by its width, less 1.5 metres (4.92 feet) where no balcony, sunroom or any window of a habitable room overlooks the rear yard, but no such rear yard shall have a depth of less than 3.0 metres (9.84 feet) and need not have a depth of more than 13.5 metres (44.29 feet); but plus 3.0 metres (9.84 feet) where any balcony, sunroom or any window of a habitable room does overlook such rear yard, but no such rear yard need have a depth of more than 13.5 metres (44.29 feet); (79-288) (80-049) (81-238)

MODIFICATION OF AREA REQUIREMENTS

- (2a) (a) No building or structure in an "E-3" District shall have in any exterior wall, any recess the width of which is less than the depth;
- (b) where any exterior wall of a building or structure is stepped in plan, the required width of an abutting side yard, or the required depth of an abutting front yard or rear yard, may be calculated separately for each of such stepped portions of the building or structure; and where any exterior wall contains one or more recesses, the width or depth of yard may be calculated separately for each projecting portion of the building or structure, provided that the width and the depth of yard opposite each recess shall be increased by 3.0 metres (9.84 feet) over and above that which would normally be required as the result of the calculations hereinbefore in subsection 2 provided, wherein the whole width or length of the building, as the case may be, is used in the said calculation, instead of the width of the recess; (9451/61) (79-288) (80-049)

INTENSITY OF USE REQUIREMENTS

- 11C. (3) Every lot or tract of land upon which a dwelling, residential care facility, short-term care facility, lodging house, or multiple dwelling is erected, converted or reconstructed in an "E-3" District shall have, within the district, a width of at least 15.0 metres (49.21 feet) and an area of at least 450.0 square metres (4843.92 square feet); and in the case of a lot having an area of more than 900.0 square metres (9687.84 square feet), the width shall be at least 24.0 metres (78.74 square feet); and in the case of a lot having an area of more than 1350.0 square metres (14,531.75 square feet), the width shall be at least 30.0 metres (98.43 feet). (10346/64) (79-288) (80-049) (81-27)

FLOOR AREA RATIO

- (4) No building or structure in an "E-3" District shall have a gross floor area greater than the area within the district of the lot on which it is situate, multiplied by the floor area ratio factor as shown in Table "E-3" appended to this Section, (10259/63)

Provided that the said gross floor area may be increased by 0.2 square metres (2.15 square feet) for every 0.1 square metres (1.08 square foot) of landscaped area that is provided and maintained in excess of the requirements of this Section, but in no case shall the gross floor area increase be applied to excess landscaped area of more than 30 per cent of the area of the lot on which the building or structure is situate. (76-148) (76-329) (76-340) (10259/63) (79-288) (80-049)

LANDSCAPED AREA

- (5) For every building or structure in an "E-3" District, there shall be provided and maintained on the lot and within the district, at least 40% of the area of the lot on which it is situate, as landscaped area, and at least 40% of said landscaped area shall be in one space having a least dimension of 6.0 metres (19.69 feet) and in other than the front yard. (76-148) (79-288) (80-049)

DISTANCE REQUIREMENTS

- (6) Except as provided in subsection 7, every residential care facility and every short-term care facility shall be situate on a lot having a minimum radial separation distance of 180.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a residential care facility or a short-term care facility. (81-27)
- (7) Where the radial separation distance from the lot line of an existing residential care facility or an existing short-term care facility is less than 180.0 metres to the lot line of any other lot occupied by a residential care facility or short-term care facility, the existing residential care facility or short-term care facility may be expanded or redeveloped to accommodate not more than the permitted number of residents. (81-27)

TABLE E-3

FLOOR AREA RATIO TABLE

FOR "E-3" MULTIPLE DWELLING DISTRICT

Lot Size Square Metres		Floor Area Ratio Factor	Gross Floor Area Square Metres	
450.0	(4,843.92 sq. ft.)	1.70	765.0	(8,234.66 sq. ft.)
540.0	(5,812.70 sq. ft.)	1.70	918.0	(9,881.59 sq. ft.)
630.0	(6,781.49 sq. ft.)	1.70	1,071.0	(11,528.53 sq. ft.)
720.0	(7,750.27 sq. ft.)	1.70	1,224.0	(13,175.46 sq. ft.)
810.0	(8,719.05 sq. ft.)	1.70	1,377.0	(14,822.39 sq. ft.)
900.0	(9,687.84 sq. ft.)	1.70	1,530.0	(16,469.32 sq. ft.)
1,000.0	(10,764.26 sq. ft.)	1.70	1,700.0	(18,299.25 sq. ft.)
1,100.0	(11,840.69 sq. ft.)	1.70	1,870.0	(20,129.17 sq. ft.)
1,200.0	(12,917.12 sq. ft.)	1.70	2,040.0	(21,959.10 sq. ft.)
1,300.0	(13,993.54 sq. ft.)	1.70	2,210.0	(23,789.02 sq. ft.)
1,350.0	(14,531.75 sq. ft.)	1.70	2,295.0	(24,703.98 sq. ft.)
1,500.0	(16,146.39 sq. ft.)	1.734	2,601.0	(27,997.85 sq. ft.)
1,550.0	(16,684.61 sq. ft.)	1.768	2,740.4	(29,498.39 sq. ft.)
1,650.0	(17,761.03 sq. ft.)	1.802	2,973.3	(32,005.38 sq. ft.)
1,750.0	(18,837.46 sq. ft.)	1.836	3,213.0	(34,585.58 sq. ft.)
1,850.0	(19,913.89 sq. ft.)	1.87	3,459.5	(37,238.97 sq. ft.)
1,950.0	(20,990.31 sq. ft.)	1.904	3,712.8	(39,965.55 sq. ft.)
2,050.0	(22,066.74 sq. ft.)	1.938	3,972.9	(42,765.34 sq. ft.)
2,100.0	(22,604.95 sq. ft.)	1.972	4,141.2	(44,576.96 sq. ft.)
2,200.0	(23,681.38 sq. ft.)	2.006	4,413.2	(47,504.84 sq. ft.)
2,300.0	(24,757.80 sq. ft.)	2.040	4,692.0	(50,505.92 sq. ft.)
2,400.0	(25,834.23 sq. ft.)	2.074	4,977.6	(53,580.19 sq. ft.)
2,500.0	(26,910.66 sq. ft.)	2.108	5,270.0	(56,727.66 sq. ft.)
2,600.0	(27,987.08 sq. ft.)	2.142	5,569.2	(59,948.33 sq. ft.)
2,675.0	(28,794.40 sq. ft.)	2.176	5,820.8	(62,656.62 sq. ft.)
2,775.0	(29,870.83 sq. ft.)	2.210	6,132.7	(66,013.99 sq. ft.)
2,875.0	(30,947.26 sq. ft.)	2.244	6,451.5	(69,445.64 sq. ft.)
2,950.0	(31,754.57 sq. ft.)	2.278	6,720.0	(72,335.84 sq. ft.)
3,050.0	(32,831.00 sq. ft.)	2.312	7,051.6	(75,905.27 sq. ft.)
3,150.0	(33,907.43 sq. ft.)	2.346	7,389.9	(79,546.82 sq. ft.)
3,250.0	(34,983.85 sq. ft.)	2.380	7,735.0	(83,261.57 sq. ft.)
3,350.0	(36,060.28 sq. ft.)	2.414	8,086.9	(87,099.52 sq. ft.)
3,450.0	(37,136.71 sq. ft.)	2.448	8,445.6	(90,910.66 sq. ft.)
3,500.0	(37,674.92 sq. ft.)	2.482	8,687.0	(93,509.15 sq. ft.)
3,600.0	(38,751.35 sq. ft.)	2.516	9,057.6	(97,498.39 sq. ft.)
3,700.0*	(39,827.77 sq. ft.)	2.55	9,435.0	(101,560.81 sq. ft.)

* For any lot in excess of 3,700.0 square metres (39,827.77 square feet) in area, the Floor Area Ratio remains at 2.55. (9451/61) (9626/62)
(10106/63) (79-288) (80-049)

12A

"U" DIST'S
REGL'NS

SECTION TWELVE A - "U" DISTRICTS

(UNIVERSITY)

REQUIREMENTS AS TO USE

- 12A. (1) Subject to the provisions of Sections 3 and 18, 18A, in a "U" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, for any purpose save that of a university, and purposes reasonably incidental thereto and including a hospital, a day nursery, a radio or television transmitting station including an antenna and supporting structure, and parking of vehicles provided same are used only as appurtenant to such permitted uses, and an art gallery. (67-278) (83-66) (90-248)

HEIGHT REQUIREMENTS

- (2) In a "U" District no building or structure except a radio or television antenna and supporting structure shall exceed 60.0 metres (196.85 feet) in height. (79-288) (80-049)

AREA REQUIREMENTS

- (3) In a "U" District
- (a) coverage by buildings and structures shall not exceed seventy per cent of the area of the parcel provided that the total coverage of all buildings and structures within the district shall not exceed fifty per cent of the area of the district,
 - (b) every building or structure shall be set back from every public street a distance of 0.5 metres (1.64 feet) for every 1.0 metres (3.28 feet) of height of such building or structure and such distance shall at no place be less than 3.0 metres (9.84 feet) measured at right angles to the street line and the average distance shall be not less than 9.0 metres (29.53 feet). (79-288) (80-049)
 - (c) wherever any lands adjoining a "U" District are in a residential district, every building and structure shall be at least 9.0 metres (29.53 feet) measured at right angles from the boundary, or at least 0.5 metres (1.64 feet) for every 1.0 metres (3.28 feet) of height of such building or structure, whichever is the greater distance, provided that where the boundary is along a public street such distance shall be measured at right angles from the nearest limit of the said public street, (79-288) (80-049)
 - (d) (79-288) (80-049) Repealed (83-66)

INTENSITY OF USE

- 12A. (4) In a "U" District there shall be no requirements of a lot for a building, structure of use, but the whole district shall be divided into parcels shown on a plot plan submitted with or before each application for a building permit, which parcels shall make due allowances for all existing buildings and structures, and no change shall subsequently be made, that will have the result of leaving any building or structure in nonconformity with the requirements of this Section.

FLOOR AREA RATIO

- (5) No building or structure in a "U" District shall have a gross floor area greater than four times the area of the parcel on which it is situate, provided that the total gross floor area of all buildings and structures within the district shall not exceed twice the area of the district. (67-278) (68-164)

(Note: See Section 19B, S-70 for application of subsections 3 and 5 of "U" District to the area west of Cootes Drive.)

12B

"F-2" DIST'S
REGL'NS

SECTION TWELVE B - "F-2" DISTRICTS

(OPEN SPACE HARBOUR)

- 12B. (1) Except as provided in subsection 2, in an "F-2" District, no land shall be used for other than the following, (90-149)
- (a) **PUBLIC USE:**
1. Recreational Open Space.
- (2) No building or structure shall be erected and no fill shall be dumped unless for the bona fide purpose of navigation, shipping, and boating subject to such approval of governmental authority as may be requisite.

12C "F-3" DIST'S
REGL'NS

SECTION TWELVE C - "F-3" DISTRICTS

(HARBOUR USE)

12C. (1) Subject to the provisions of Sections 3, 18, 18A and 19, in an "F-3" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, for other than one or more of the following: (90-149)

A. Without purporting to limit the jurisdiction of the Parliament of Canada, the Federal Government, or the Hamilton Harbour Commissions acting within the scope of their lawful jurisdiction in respect of shipping and navigation matters, shipping and navigation uses are permitted, and include the following:

(a) **PUBLIC USES**

1. Offices of the Hamilton Harbour Commissioners.

(b) **COMMERCIAL USES**

<u>Identification Number</u>	<u>Permitted Use</u>
4541	Freight and Passenger Water Transport Industry
4542	Ferry Industry
4543	Marine Towing Industry
4544	Ship Chartering Industry
4549	Other Water Transport Industries
4551	Marine Cargo Handling Industry
4552	Harbour and Port Operation Industry
4553	Marine Salvage Industry
4554	Piloting Service, Water Transport Industry
4555	Marine Shipping Agencies Industry
4559	Other Service Industries Incidental to Water Transport

(c) **INDUSTRIAL USES**

<u>Identification Number</u>	<u>Permitted Use</u>
3271	Shipbuilding and Repair Industry
3281	Boatbuilding and Repair Industry

(d) **OTHER USES**

Other bona fide shipping and navigation uses authorized by the Hamilton Harbour Commissioners Act or other valid federal legislation.

HARBOUR USE (CONT'D)

- 12C. (1) B. In respect of buildings, structures or land not used for bona fide purposes of shipping and navigation under Part A, the following uses are also permitted:

(a) **PUBLIC USES**

<u>Identification Number</u>	<u>Permitted Use</u>
9841	Labour Organizations

(b) **COMMERCIAL USES**

<u>Identification Number</u>	<u>Permitted Use</u>
4561	General Freight Trucking Industry
4562	Used Goods Moving and Storage Industry
4563	Bulk Liquids Trucking Industry
4564	Dry Bulk Materials Trucking Industry
4565	Forest Products Trucking Industry
4569	Other Truck Transport Industry
4592	Freight Forwarding Industry
4599	Other Service Industries Incidental to Transportation, n.e.c.
4711	Grain Elevator Industry
4791	Refrigerated Warehousing Industry
4799	Other Storage and Warehousing Industries, n.e.c.
5999	Other Products n.e.c., Wholesale limited to:
	(i) Ship Chandlers
7794	Customs Broker
9211	Restaurants, Licensed
9212	Restaurants, Unlicensed
9213	Take-Out Food Services
9214	Caterers
9221	Taverns, Bars and Night Clubs

(c) **INDUSTRIAL USES**

<u>Identification Number</u>	<u>Permitted Use</u>
1051	Cereal Grain Flour Industry
1052	Prepared Flour Mixes and Prepared Cereal Foods Industry
1053	Feed Industry

(d) **ACCESSORY USES**

1. Accessory buildings, structures or uses.
2. Business Identification Signs that are Ground Signs, Wall Signs or Roof Signs of an occupancy or use of the land on which the sign is situate.

HARBOUR USE (CONT'D)

12C. (2) Every **PUBLIC, COMMERCIAL, INDUSTRIAL** and **ACCESSORY USE** not for the bona fide purposes of shipping and navigation, shall comply with the following:

(a) **Height requirement:**

1. No building or structure shall exceed 14.0 metres in height.

(b) **Area requirements:**

1. There shall be provided and maintained upon the same lot or tract of land and within the "F-3" District for every building or structure,
 - (i) a front yard having a depth of not less than 6.0 metres;
 - (ii) side yards having a width of not less than 10% of the greatest width of the lot to a maximum width of 6.0 metres, except where the lot is a corner lot, a flankage side yard having a width of not less than 6.0 metres;
 - (iii) a rear yard having a depth of not less than 4.5 metres.

(c) **Intensity of Use requirements:**

1. Every lot or tract of land shall have,
 - (i) a lot width of not less than 30.0 metres;
 - (ii) a lot area of not less than 1,000.0 square metres.

(d) **Lot Coverage requirement:**

1. Lot coverage by all buildings and structures shall not exceed 60% of the lot area.

(e) **Landscape requirements:**

1. There shall be provided and maintained on the same lot or tract of land and within the "F-3" District,
 - (i) a landscaped area in the required front yard having a depth of not less than 6.0 metres abutting the street line, except for the area used for access driveways;
 - (ii) where the lot or tract of land is a corner lot, a landscaped area in the entire required side yard abutting the street line, except for the area used for access driveways;
 - (iii) where the lot or tract of land abuts an "A" District, a landscaped area having a width or depth of not less than 7.5 metres along the full length of the lot line abutting the "A" District.

HARBOUR USE (CONT'D)

12C. (2) (f) **Storage requirements:**

1. No front yard shall be used for outside storage.
2. Every side yard or rear yard that is used for outside storage of any material or any equipment shall be completely screened from external view by a visual barrier not less than 1.5 metres in height and not more than 3.0 metres in height.
3. No part of a side yard or rear yard used for outside storage shall be situate less than 6.0 metres from an abutting street line or from the boundary of an abutting "A" District.

(3) Every sign referred to in subsection B.(d)2 shall comply with the following requirements:

1. No ground sign shall exceed 6.0 metres in vertical dimension.
2. No wall sign shall exceed 4.5 metres in vertical dimension.
3. No roof sign shall exceed 3.5 metres in vertical dimension.
4. The total aggregate area of all signs shall not exceed 0.5 square metres for every 0.5 metres of the frontage on which the lot abuts.

SECTION TWELVE - "F" DISTRICTS

(SPECIAL WATERFRONT DISTRICT) (9704/62) (9930/63)

REQUIREMENTS AS TO USE

12. (1) Subject to the provisions of Sections 3, 18, 18A and 19 in an "F" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, for other than one of more of the following uses, namely; (8158/57) (83-66)

RESIDENTIAL USES

- (i) A multiple dwelling; (9704/62) (9930/63)
- (ii) A hotel; (92-170)
- (iii) A summer camp licensed as such by the Department of Health for Ontario, together with the use of tents for such purposes; (9704/62) (9930/63) (92-170)

PUBLIC USES

- (iv) A private club, lodge, fraternity or sorority house or labour union hall, which may include sleeping accommodation for not more than twenty persons, but this clause shall not be so construed as to permit the establishment on any premises, of an insurance benefit society or other use that is customarily carried on as a business; (9704/62) (9930/63) (92-170)
- (v) A bathing pool, bathing beach or bath house; (9704/62) (9930/63) (92-170)

COMMERCIAL USES

- (vi) A jetty, marina, boat-house, and facilities for sales, service and storage of boats and seaplanes; (9704/62) (9930/63) (92-170)
- (vii) An eating establishment; (9704/62) (9930/63)
- (viii) An amusement park; (9704/62) (9930/63)

ACCESSORY USES

- (ix) A building, structure or use customarily incidental to any permitted use, including the sale of bait, and the sale and rental of recreational equipment; (9704/62) (9930/63)
- (2) Deleted (9704/62) (9930/63) (9141/60)

AREA REQUIREMENTS

12. (3) The area requirements and modification of area requirements with respect to every building and structure in an "F" District shall be the same as for an "E-3" District. (9704/62) (9903/63)

INTENSITY OF USE

- (4) Every lot or tract of land upon which a multiple dwelling is erected, converted or reconstructed in an "F" District shall have within the district, a width of at least 15.0 metres (49.21 feet) and an area of at least 450.0 square metres (4943.92 square feet). (6692/51) (9704/62) (9930/63) (79-288) (80-049)

FLOOR AREA RATIO

- (5) No building or structure in an "F" District shall have a gross floor area greater than the area within the district of the lot on which it is situate, multiplied by the floor area ratio factor of 1.6. (9704/62) (9930/63) (10259/63)

HEIGHT REQUIREMENTS

- (6) No building or structure shall exceed eight storeys or 26.0 metres (85.30 feet) in height; (76-148) (79-288) (80-049)

SECTION TWELVE D - "F-4" DISTRICTS

(WATERFRONT SERVICES)

12D. (1) Subject to the provisions of Sections 3, 18, 18A and 19, in an "F-4" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, for other than one or more of the following: (90-149)

A. Without purporting to limit the jurisdiction of the Parliament of Canada, the Federal Government, or the Hamilton Harbour Commissioners acting within the scope of their lawful jurisdiction in respect of shipping and navigation matters, shipping and navigation uses are permitted, and include the following:

(a) **PUBLIC USES**

1. Offices of the Hamilton Harbour Commissioners.

(b) **COMMERCIAL USES**

<u>Identification Number</u>	<u>Permitted Use</u>
4541	Freight and Passenger Water Transport Industry
4542	Ferry Industry
4543	Marine Towing Industry
4544	Ship Chartering Industry
4549	Other Water Transport Industries
4551	Marine Cargo Transport Industries
4552	Harbour and Port Operation Industry
4553	Marine Salvage Industry
4554	Piloting Service, Water Transport Industry
4555	Marine Shipping Agencies Industry
4559	Other Service Industries Incidental to Water Transport

(c) **INDUSTRIAL USES**

<u>Identification Number</u>	<u>Permitted Use</u>
3271	Shipbuilding and Repair Industry
3281	Boatbuilding and Repair Industry

(d) **OTHER USES**

Other bona fide shipping and navigation uses authorized by the Hamilton Harbour Commissioners Act or other valid federal legislation.

WATERFRONT SERVICES (CONT'D)

12D. (1) B. In respect of buildings, structures or land not used for bona fide purposes of shipping and navigation under Part A, the following uses are also permitted:

(a) **PUBLIC USES**

<u>Identification Number</u>	<u>Permitted Use</u>
9841	Labour Organizations

(b) **COMMERCIAL USES**

<u>Identification Number</u>	<u>Permitted Use</u>
4561	General Freight Trucking Industry
4562	Used Goods Moving and Storage Industry
4563	Bulk Liquids Trucking Industry
4564	Dry Bulk Materials Trucking Industry
4565	Forest Products Trucking Industry
4569	Other Truck Transport Industry
4592	Freight Forwarding Industry
4599	Other Service Industries Incidental to Transportation, n.e.c.
4711	Grain Elevator Industry
4791	Refrigerated Warehousing Industry
4799	Other Storage and Warehousing Industries, n.e.c.
5111	Petroleum Products, Wholesale
5999	Other Products n.e.c., Wholesale limited to:
	(i) Ship Chandlers
7794	Customs Broker
9211	Restaurants, Licensed
9212	Restaurants, Unlicensed
9213	Take-Out Food Services
9214	Caterers
9221	Taverns, Bars and Night Clubs

(c) **INDUSTRIAL USES**

<u>Identification Number</u>	<u>Permitted Use</u>
1051	Cereal Grain Flour Industry
1052	Prepared Flour Mixes and Prepared Cereal Foods Industry
1053	Feed Industry
1061	Vegetable Oil Mills (Except Corn Oil)
1081	Cane and Beet Sugar Industry
1082	Chewing Gum Industry
1083	Sugar and Chocolate Confectionary Industry
1091	Tea and Coffee Industry
1092	Dry Pasta Products Industry
1093	Potato Chip, Pretzel and Popcorn Industry
1094	Malt and Malt Flour Industry

WATERFRONT SERVICES (CONT'D)

12D. (1) B. (c) **INDUSTRIAL USES (cont'd)**

<u>Identification Number</u>	<u>Permitted Use</u>
1099	Other Food Products Industries, n.e.c.
1111	Soft Drink Industry
1121	Distillery Products Industry
1131	Brewery Products Industry
1141	Wine Industry
3521	Hydraulic Cement Industry
3551	Redi-Mix Concrete Industry
3699	Other Petroleum and Coal Products Industry

(d) **ACCESSORY USES**

1. Accessory buildings, structures or uses.
2. Business Identification Signs that are Ground Signs, Wall Signs or Roof Signs of an occupancy or use of the land on which the sign is situate.

(e) **EXISTING USES**

Any use existing as of July 31, 1984, except **RESIDENTIAL USES**.

- (2) Every **PUBLIC, COMMERCIAL, INDUSTRIAL** and **ACCESSORY USE** not for the bona fide purposes of shipping and navigation, shall comply with the following:

(a) **Height requirement:**

1. No building or structure shall exceed 37.0 metres in height.

(b) **Lot Coverage requirements:**

1. Subject to paragraph 2, lot coverage of all buildings and structures shall not exceed 85% of the lot area.
2. Where a side lot line or rear lot line abuts a residential district, no building or structure shall be situated nearer to any such side lot line or rear lot line than 4.5 metres.

- (3) Every sign referred to in subsection B.(d)2 shall comply with the following requirements:

1. No ground sign shall exceed 6.0 metres in vertical dimension.
2. No wall sign shall exceed 4.5 metres in vertical dimension.
3. No roof sign shall exceed 3.5 metres in vertical dimension.
4. The total aggregate of all signs shall not exceed 0.5 square metres for every 0.5 metres of the frontage on which the lot abuts.

13A

"G-1" DIST'S
REGL'NS

SECTION THIRTEEN A - "G-1" DISTRICTS

(DESIGNED SHOPPING CENTRE)

REQUIREMENTS AS TO USE

- 13A. (1) Subject to the provisions of Sections 3, 18, 18A, and 19, in a "G-1" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, for other than one or more of the following uses, namely: (8158/57) (83-66)

INSTITUTIONAL USES

- (ai) A day nursery; (90-248)

PUBLIC USES

- (i) A library, art gallery, museum, observatory, community centre, or other such cultural recreational or community building or structure;
- (ii) A bowling green, tennis court, playground, playfield, play lot or other such recreational use;

COMMERCIAL USES

- (iii) Any commercial use permitted in a "G" District without any limitation on the number of employees, and the retailing of plumbing fixtures, and a theatre with seating capacity of not more than one thousand persons, but excepting a drive-motion picture theatre; (7782/56) (81-239) (82-67) (82-68)
- (iiia) A carnival show, provided that the area of the land used for the Designated Shopping Centre is not less than 20,000.0 square metres (4.94 acres). (71-112) (79-288) (80-049)
- (iiib) A circus, provided that the area of the land used for the Designated Shopping Centre is not less than 8.0 hectares (19.77 acres). (75-330) (79-288) (80-049)
- (iiic) A second-hand goods shop, provided that:
1. all display, sale and storage of goods is only within the principal building; and
 2. no second-hand pipe or other plumbing or building materials or fixtures are kept for sale, offered for sale or sold upon the premises, nor any second-hand motor vehicle or bicycle parts, tires or accessories, nor any scrap metal or salvaged materials. (81-286)

COMMERCIAL USES (CONT'D)

- 13A. (1) (iv) A medical or dental clinic, or the office of treatment room of any doctor, dentist, osteopath or drugless practitioner;
- (v) A commercial school;
- (vi) A liquor dispensary or brewer's warehouse;
- (vii) A pet shop;
- (viii) A bowling alley or billiard room; (9974/63)
- (viiia) A place of amusement that provides only childrens' rides and penny arcades; (70-180) (76-315) (76-335)
- (ix) An automobile service station, provided that all motor vehicle fuel storage is in underground tanks; (10542/64) (7977/57)
- (ixa) An manual car wash, a mechanical car wash, a coin-operated car wash, a high-speed mechanical car wash. (72-224) (74-44) (76-40)
- (ixb) A gun shop; (90-232)
- (x) A business identification sign that is a wall sign or roof sign of an occupancy or use, that complies with the following requirements:
1. No sign shall be more than 2.0 metres in height.
 2. The total aggregate area of all the signs shall not exceed 0.5 square metres for each 0.5 metres of exterior lineal face of the building.
 3. Every wall sign shall be parallel to the wall to which it is affixed.
 4. No sign shall project more than 1.0 metres above the top of the building having only one storey, of not more than 1.0 metres above the top of the first storey of a building having more than one storey.
 5. No sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination. (9822/62) (7977/57) (79/288) (80-049) (81-30)
- (xi) A third party/billboard sign in accordance with Section 18.(15). (7977/57) (9438/61) (79-288) (80-049) (81-30) (96-092)
- (xii) A shopping centre identification sign that is a wall sign or ground sign that complies with the following requirements;
1. Not more than two signs shall be erected on a lot having more than one street frontage.
 2. No sign shall be more than 21.0 square metres in area.

COMMERCIAL USES (CONT'D)

- 13A. (1) (xii) 3. Not more than 6.0 square metres of sign area may be used for either temporary advertising or business identification, or any combination thereof.
4. Every wall sign shall be parallel to the wall to which it is affixed.
5. No sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination. (7977/57) (72-294) (81-30)

INCIDENTAL AND ACCESSORY USES

- (xiii) Any uses customarily incidental to any permitted use and not hereinbefore in this Section, specifically mentioned or limited, provided that every such incidental use and every accessory use is carried on upon the same premises as the permitted use, and occupies not more than twenty-five per cent of the floor area. (92-170)

Provided that said limit of 25% of the floor area shall not apply to storage in a cellar or basement. (7782/56)

DESIGN REQUIREMENTS

- (2) Repealed (74-78) Design Requirements (7389/54)
- (a) (73-294) (75-8) (79-288) (80-049) Repealed (81-30)
- (b) (73-294) Repealed (81-30)

HEIGHT REQUIREMENTS

- (3) In a "G-1" District, no building shall exceed three storeys, and no structure shall exceed 14.0 metres (45.93 feet), in height. (7782/56) (9141/60) (79-288) (80-049)

AREA REQUIREMENTS

- (4) The following yards shall be provided within the district, and maintained, as appurtenant to every building or structure in a "G-1" District; (8927/60) (9563/62)
- (a) Where any such building or structure is no more than 12.0 metres (39.37 feet) in height, a front yard of a depth of at least 11.0 metres (36.09 feet), and side yards and a rear yard each of a width or depth, respectively, of at least 9.0 metres (29.53 feet), along the limits of the said "G-1" District; (9563/62) (79-288) (80-049)

Provided that where any side yard or rear yard adjoins a street, the width or depth as the case may be, shall in every such case be at least 11.0 metres (36.09 feet); and (9563/62) (79-288) (80-049)

AREA REQUIREMENTS (CONT'D)

- 13A. (4) (b) Where any such building or structure is of a height of more than 12.0 metres (39.37 feet), side yards and a front yard and rear yard along the limits of the said "G-1" District, each greater by 0.5 metres (1.64 feet) in width or depth, respectively for every 0.5 metres (1.64 feet) or fraction thereof that such building or structure exceeds 12.0 metres (39.37 feet) in height. (9563/62) (79-288) (80-049)

Provided that in the case of an automobile service station there may be erected at a distance of not less than 4.5 metres (14.76 feet) from the nearest street line and at a height of at least 3.0 metres (9.84 feet) from the ground to the bottom of the sign, one business identification sign of an area of vertical projection of not more than 3.5 square metres (37.67 square feet), and in addition, fuel pump islands may also be located at a distance of not less than 4.5 metres (14.76 feet) from the nearest street line and one each fuel pump island there may be erected one business identification sign constructed in accordance with the foregoing requirements.

INTENSITY OF USE

- (5) Every lot or tract of land in a "G-1" District shall have an area of at least 4,000 square metres (0.99 acres); (8927/60) (8973/60) within the district (9438/61) (79-288) (80-049)

PARKING SPACE REQUIREMENTS

- (6) (7389/54) (79-288) (80-049) Repealed (83-66)
- (7) Subsection 6 of Section 6 and By-Law No. 79-275 shall not apply to clause (iia), (iib) and (viii) of subsection 1. (75-330) (82-185)
- (8) The requirements of Section 13A and Section 18A for parking space and manoeuvring space in this By-Law shall not apply to clauses (iia), (iib) and (viii) of subsection 1. (7389/54) (75-330) (83-66)

13B "G-2" DIST'S
REG'L NS

SECTION THIRTEEN B - "G-2" DISTRICTS

(REGIONAL SHOPPING CENTRES)

REQUIREMENTS AS TO USE

- 13B. (1) Subject to the provisions of Section 3, 18, 18A, and 19, in a "G-2" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, for other than one or more of the following uses, namely: (8329/58) (83-66)
- (a) Any uses permitted in an "H" District. (81-184)
 - (b) A hotel; (78-184) (81-184)
 - (bb) A day nursery; (90-248)
 - (c) A restaurant with or without dancing or other entertainment; (78-184) (81-184) (92-170)
 - (d) A billiard room, bowling alley, shooting gallery, public hall, music hall, theatre or other place of amusement; (78-184) (81-184)
 - (e) An undertaker's establishment or funeral home if there is no crematorium; (78-184) (81-184)
 - (f) A massage parlour, public bath; (78-184) (81-184)
 - (g) The use permitted by clause (viii) of subsection 1 of Section 13A. (70-180) (81-184)
 - (h) A carnival show, provided that the area of land used for the Regional Shopping Centre is not less than 20,000.0 square metres (4.94 acres). (71-112) (80-049) (81-184) (79-288)
 - (i) A use permitted in clause (ix) of subsection 1 of Section 13A. (72-224) (81-184)
 - (ia) The use permitted in clause (ixb) of subsection 1 of Section 13A. (90-232)
 - (j) A circus, provided that the area of the land used for the Regional Shopping Centre is not less than 8.0 hectares (19.77 acres). (75-330) (80-049) (81-184) (79-288)
 - (k) A flea market, provided that it shall not be located outdoors. (89-35)
- (2) Repealed (74-78) Design Requirements. (8329/58)

HEIGHT REQUIREMENTS

- (3) In a "G-2" District, no building shall exceed ten storeys, and no structure shall exceed 37.0 metres (121.39 feet), in height. (9141/60) (79-288) (80-049)

AREA REQUIREMENTS

- 13B. (4) (a) No building or structure in a "G-2" District shall be located closer to a street than 9.0 metres (29.53 feet); (79-288) (80-049)
- (b) In a "G-2" District, no building or structure which lies within the horizontal plane projected at right angles from any side of any other building or structure at ground level shall be located closer to such other building or structure than one-half the height of the taller of the said buildings or structures.

INTENSITY OF USE

- (5) No "G-2" District shall have an area of less than 16.0 hectares (39.54 acres). (79-288) (80-049)

PARKING SPACE REQUIREMENTS

- (6) (79-288) (80-049) (8329/58) Repealed (83-66)
- (7) Subsection 6 of Section 6 and By-Law No. 79-275 shall not apply to clauses (g), (h) and (j) of subsection 1. (75-330) (82-185) (92-170)
- (8) The requirements of Section 13B and Section 18A for parking space and manoeuvring space in this By-Law shall not apply to clauses (g), (h) and (j) of subsection 1. (75-330) (8329/58) (83-66)

DISTANCE REQUIREMENTS

- (9) Except as provided in subsection 10, every residential care facility and every short-term care facility shall be situate on a lot having a minimum radial separation distance of 180.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a residential care facility or a short-term care facility. (81-27)
- (10) Where the radial separation distance from the lot line of an existing residential care facility or an existing short term care facility is less than 180.0 metres to the lot line of any lot occupied by a residential care facility or short-term care facility, the existing residential care facility or short-term care facility may be expanded or redeveloped to accommodate not more than the permitted number of residents. (81-27)

13C

"G-3" DIST'S
REGL'NS

SECTION THIRTEEN C - "G-3" DISTRICTS

(PUBLIC PARKING LOTS)

REQUIREMENTS AS TO USE

- 13C. (1) Notwithstanding Section 18A in a "G-3" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used for other than the following uses, namely: (8987/60) (83-66)
- (i) the parking of not more than six taxi-cabs and the parking of ordinary passenger automobiles except buses;
 - (ii) one building of a height of not more than 4.0 metres (13.12 feet) and an area of not more than 6.0 square metres (64.58 square feet), for use only as a shelter for attendants in charge; (79-288) (80-049)
 - (iii) notwithstanding clauses 2.(2)J.(xb) and 2.(2)J.(xxvi) one directional sign at each point of ingress and egress, each said sign of a size not exceeding 1.2 square metres (12.92 square feet), and one information sign at each point of ingress and egress, each said sign of an area of not more than 3.0 square metres (32.29 square feet), and having nothing thereon except to indicate that it is a parking lot, the name of the owner, and the fees, if any, for parking; (79-288) (80-049) (93-261)

DISTANCE FROM COMMERCIAL OR INDUSTRIAL DISTRICTS

- (2) No part of a public parking lot in a "G-3" District shall be farther from the nearest boundary of a commercial or industrial district than 60.0 metres (196.85 feet); (79-288) (80-049)

AREA REQUIREMENTS

- (3) The following yards shall be provided within the district and maintained as appurtenant to every building in a "G-3" District; (9438/61) (93-261)
- (i) where a front yard is required for any lot on the same side of the street between two intersecting streets, a front yard of a depth at least as great as that required for any such lot, but in no case of a depth of less than 3.0 metres (9.84 feet). (9519/61) (79-288) (80-049) (93-261),
 - (ii) (9519/61) (79-288) (80-049) (92-170) (Deleted by 93-261)
 - (iii) (9519/61) (80-049) (82-186) (Deleted by 93-261)

LANDSCAPING, PAVING AND LIGHTING REQUIREMENTS

- 13C. (4) (i) A landscaped area having a minimum average width of 2.0 metres (6.56 feet) but not less than 1.0 metres (3.28 feet) in width, shall be provided and maintained along the entire street line of the lot, except for the area used for access driveways.
- (ii) An area landscaped with a planting strip of not less than 1.5 metres (4.92 feet) in width shall be provided and maintained along and within every side lot line and rear lot line that abuts a residential district or use.
- (iii) A visual barrier not less than 1.2 metres (3.94 feet) and not more than 2.0 metres (6.56 feet) in height shall be provided and maintained along every side lot line and rear lot line of a public parking lot which adjoins a residential district or use, except that no visual barrier shall be situated less than 3.0 metres (9.84 feet) in distance from a front lot line.
- (iv) All open areas, except areas required to be landscaped, shall be paved with asphalt or concrete, and so graded or drained as to ensure that surface water will not escape to neighbouring lands.
- (v) Every lighting facility shall be so designed, installed and maintained as to ensure that the light is deflected away from all lands designated for residential uses, and any lighting of signs shall similarly be so deflected. (79-288) (93-261)
- (5) (8987/60) (Deleted by 93-261)

SECTION THIRTEEN D - "G-4" DISTRICTS

(DESIGNED NEIGHBOURHOOD SHOPPING AREA)

REQUIREMENTS AS TO USE

- 13D. (1) Subject to the provisions of Section 3, 18, 18A, and 19, in a "G-4" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, for other than one or more of the following uses, namely: (9058/60) (9144/60) (83-66)

PUBLIC AND INSTITUTIONAL USES

- A. (i) Notwithstanding the provisions of subsection 3 of Section 3, the erection and construction of buildings or structures for, or the use of land for Public or Institutional use therein mentioned is hereby prohibited in a "G-4" District. (90-248)
- (ii) Subsection (i) shall not apply to the following use:
1. A day nursery. (90-248)

COMMERCIAL USES

- B. (i) Retail grocery store;
- (ii) Retail drugstore;
- (iii) Retail stationer;
- (iv) Restaurant or refreshment room without dancing or other entertainment except music;
- (iva) Outdoor patio; (86-233)
- (v) Retail delicatessen store;
- (vi) Retail bakery or confectionery store;
- (vii) Barbershop, hairdressing establishment or beauty parlour;
- (viii) Retail hardware store;
- (ix) Shoe repair shop;
- (x) A collecting and distributing station for a laundry or dry cleaner;
- (xi) Retail dry goods store or a retail women's or men's clothing store;
- (xii) Bank;
- (xiii) Offices for medical or dental practitioners;
- (xiv) Offices for use by insurance agents, lawyers, auditors or realtors;

COMMERCIAL USES (CONT'D)

- 13D. (1) (xv) A photographer's studio except a motion picture studio;
- (xvi) A commercial lending library;
- (xvia) A gun shop; (90-232)
- (xvii) For each establishment, a window sign or an outdoor advertising or other sign of the kind known as a wall sign, of an area of not more than 2.5 square metres (26.91 square feet), not overhanging a highway and not extending more than 5.0 metres (16.40 feet) above grade or more than 1.0 metres (3.28 feet) above the top of the first storey of the building to which the same is attached, whichever is the higher, provided that not more than one such sign shall be permitted facing each street upon which each establishment abuts;
- And provided further that no such sign shall be illuminated otherwise than by non-flashing indirect lighting. (79-288) (80-049)

ACCESSORY AND INCIDENTAL USES (9235/61)

- C. Any accessory use except the killing or dressing of livestock and the killing of fowl, provided that no such accessory use occupies more than twenty-five per cent of the floor area of the principal use to which it is accessory.
- (2) Repealed (74-78) (Design Requirements)

HEIGHT REQUIREMENTS

- (3) In a "G-4" District, no building shall exceed two storeys, and no structure shall exceed 9.0 metres (29.53 feet), in height. (9141/60) (79-288) (80-049)

AREA REQUIREMENTS

- (4) The following yard shall be provided and maintained as appurtenant to every building or structure in a "G-4" District:
- (i) A front yard of a depth of at least 6.0 metres (19.69 feet); (79-288) (80-049)
- (ii) A side yard along each side lot line of a width of at least 6.0 metres (19.69 feet); and (79-288) (80-049)
- (iii) A rear yard of a depth of at least 7.5 metres (24.61 feet). (79-288) (80-049)

INTENSITY OF USE

- 13D. (5) Every lot or tract of land in a "G-4" District shall have an area of at least 900.0 square metres (9,687.84 square feet) and not more than 4,000.0 square metres (0.99 acres), and shall have a width of at least 30.0 metres (98.43 feet), and a depth of not less than 30.0 metres (98.43 feet) nor more than 45.0 metres (147.64 feet).
(9488/61) (79-288) (80-049)

PARKING SPACE AND ACCESS DRIVEWAY REQUIREMENTS

- (6) (9058/60) (9144/60) (79-288) (80-049) Repealed (83-66)

14A

"HH" DIST'S
REGL'NS

SECTION FOURTEEN A - "HH" DISTRICTS

(RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL DISTRICT)

- 14A. (1) Subject to the applicable provisions of Sections 3, 18, 18A, and 19, in an "HH" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used for other than one or more of the following uses, namely: (8320/58) (83-66)
- (a) A single family dwelling, provided same is attached to a commercial use permitted in this district;
 - (b) A hotel; provided that not more than 50% of the hotel bedrooms contain any facilities for cooking, preparing or storage of food. (10276/64) (83-66)
 - (bb) A day nursery. (90-248)
 - (c) As provided in clauses vii, viii, ix, x, xi, xiv, xvi and xvii of subsection 1 of Section 14. (78-184) (83-144)
- Provided, however, that save as hereinafter in this Section provided, no business identification sign that is a wall sign, roof sign or ground sign shall have a vertical dimension of more than 3.5 metres (11.48 feet), 4.5 metres (14.76 feet) or 6.0 metres (19.69 feet) respectively, and that the aggregate area of vertical projection of all such signs, except the business identification sign hereinafter in this Section mentioned, shall be not more than 1.0 square metres (10.76 square feet) per 0.5 metres (1.64 feet) of street frontage of the lot.
(9454/61) (79-288) (80-049) (96-092)
- (ca) A restaurant with or without dancing or other entertainment; (78-184) (78-104) (78-183) (92-170)
 - (cb) A billiard room, bowling alley, shooting gallery, penny arcade, public hall, music hall, theatre or other place of amusement except an Adult Entertainment Parlour and a travelling show within the meaning of The Travelling Shows Act, and excepting also a carnival show, circus, trained animal show, merry-go-round, roller coaster, race track and other such places of amusement; (78-184) (87-306)
 - (cc) An undertaker's establishment or funeral home if there is no crematorium; (78-184)
 - (cd) A massage parlour, public bath. (78-184)
 - (ce) A Class H Adult Entertainment Parlour. (87-306)
 - (d) An accessory use only as permitted in clause (xvii) of subsection 1 of Section 14. (72-224) (76-40)
- (2) In an "HH" District, no building shall exceed four storeys, and no structure shall exceed 17.0 metres (55.77 feet), in height. (9141/60) (79-288) (80-049)
- (3) The following yards shall be provided within the district, and maintained, as appurtenant to every building or structure in an "HH" District. (8927/60)

RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL DISTRICT (CONT'D)

- 14A. (3) (a) A front yard of a depth of at least 12.0 metres (39.37 feet); (9056/60) (9138/60) (9234/61) (9454/61) (79-288) (80-49)

Provided that there may nevertheless be located at a distance of not less than 3.0 metres (9.84 feet) from the nearest street line, and a height of at least 3.0 metres (9.84 feet) from the ground to the bottom of the sign, one business identification sign of an area of vertical projection of not more than 0.1 square metre (1.08 square feet) per 0.3 metres (0.98 feet) of street frontage of the lot, having its supporting structure so designed and constructed as not to obstruct the view from any direction, to a greater degree than is reasonably necessary; (9454/61) (79-288) (80-049)

And provided further, that in the case of an automobile service station, there may be located at a distance of not less than 3.0 metres (9.84 feet) from the nearest street line one business identification sign as aforesaid, but of an area of vertical projection of not more than 3.5 square metres (37.67 square feet), and, in addition, fuel pump islands, including a canopy, may also be located at a distance of not less than 3.0 metres (9.84 feet) from the nearest street line, and on each fuel pump island there may be erected one business identification sign constructed in accordance with the foregoing requirements and having an area of not more than 3.5 square metres (37.67 square feet). (9454/61) (79-288) (80-049) (92-170)

- (b) Where the lot upon which a building or structure is situate adjoins a district in which side yards are required, there shall be along that side a side yard of a width at least as great as that required in such adjoining district, but where an access road is provided along either side, it shall have a width of at least 6.0 metres (19.69 feet) at its narrowest part; and (9438/61) (79-288) (80-049)
- (c) A rear yard of a depth of at least 6.0 metres (19.69 feet). (79-288) (80-049)

INTENSITY OF USE

- (4) Every lot or tract of land in an "HH" District shall have a width of at least 12.0 metres (39.37 feet) and an area of at least 360.0 square metres (3,875.01 square feet) within the district; (9438/61) (9056/60) (79-288) (80-049)

Provided, however, that every lot or tract of land upon which a hotel is erected, converted or reconstructed, in an "HH" District shall have a width of at least 15.0 metres (49.21 feet) and an area of at least 450.0 square metres (4,843.76 square feet) within the district; (9056/60) (9438/61) (79-288) (80-049)

- (5) (78-24) (79-288) (80-049) Repealed (83-66)

DISTANCE REQUIREMENTS

- 14A. (6) Every Class H Adult Entertainment Parlour shall be located on a lot having a minimum radial separation distance of 500 metres from the lot line to the lot line of every lot in a residential district.
(87-306)

SECTION FIFTEEN - "I" DISTRICTS

(CENTRAL BUSINESS DISTRICT, ETC.)

15. (1) Subject to the provisions of Sections 3, 18, 18A, and 19, in an "I" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, for other than one or more of the following uses, namely: (8158/57) (83-66)
- (i) Any residential, institutional or public use except a cemetery, mausoleum or columbarium; (9438/61)
 - (ia) A residential care facility for the accommodation of not more than 20 residents. (82-54)
 - (ib) A short-term care facility for the accommodation of not more than 20 residents. (82-54)
 - (ic) A lodging house for the accommodation of not more than 50 persons. (82-54)

COMMERCIAL USES

- (ii) Any commercial use which is permitted in a residential district or other commercial district except a penny arcade and a third party/billboard sign. (9438/61) (80-290) (96-092)
- (iia) A Class H Adult Entertainment Parlour. (87-306)
- (iib) A flea market, provided that it shall not be located outdoors, and provided that it shall not abut a residential district. (89-35)
- (iii) A travelling show within the meaning of The Travelling Shows Act, a circus, trained animal show, carnival or other such place of amusement of a transient nature, together with the use of tents for such purposes; (not including race tracks, etc. - see "J" District)
- (iv) A blacksmith's shop where no more than three persons are employed at any time of the year, including the proprietor if working;
- (v) A carpenter's shop which is not a factory;
- (vi) A book-binder's or upholsterer's shop;
- (vii) A painter's shop, except spray-painting, provided, however, that spray painting may be done if merely incidental to a permitted use, and if carried on in a separate building of fire-resistive construction, in which no other use is carried on;
- (viii) An auto body and fender repair shop or other public garage, a tinsmith's shop, welder's shop or any other shop which is not a factory;

COMMERCIAL USES (CONT'D)

- 15A. (1) (viii) A photographer's or artist's studio, but excepting a motion picture studio;
- (ix) A barber shop, hairdressing establishment, beauty parlour, massage parlour, public baths, shoe shine parlour or other such establishment for personal services, including a messenger service, provided the premises occupied by such uses have access only from within an office building or hotel and do not front on a street; (9735/62)
- (x) A tailor's shop, dressmaker's establishment, millinery shop, furrier, shoe store, or any other retail store selling new wearing apparel;
- (xi) A restaurant;
- (xia) An outdoor patio; (86-233)
- (xii) A lunch counter or refreshment stand, provided the premises occupied by such uses, have access only from within an office building or hotel and do not front on a street; (9735/62)
- (xiii) A retail bakery store with or without a bakery as incidental thereto, or a confectionery store, with or without a candy kitchen as incidental thereto;
- (xiv) A commercial lending library;
- (xiva) A commercial art gallery; (73-97)
- (xv) A collecting or distributing station for a laundry or dry cleaning establishment, provided the premises occupied by such uses have access only from within an office building or hotel and do not front on a street; (9735/62)
- (xvi) A retail jewellery store, drug store, flower shop or gift shop; (9735/62)
- (xvii) Parking spaces, a public parking lot or a storage garage where all gasoline storage is in underground tanks, but excepting automobile service stations and public garages of all kinds;
- (xviii) **Signs:** The following types of signs and sizes of signs shall be permitted;
- (a) A roof sign which identifies the name or use of the building.
- (b) A window sign or an outdoor advertising sign or other sign of the kind known as a wall sign, not overhanging a highway, but not including a third party/billboard sign. (96-092)
- (c) The total aggregate area of roof signs, window signs and wall signs as permitted, above, may be not more than 5.0 square metres (53.82 square feet); but may be increased by 0.1 square metres (1.08 square foot) for every 0.3 metres (0.98 feet) of street frontage in excess of 15.0 metres (49.21 feet); (79-288) (80-049)

COMMERCIAL USES (CONT'D)

15. (1) (xiv) (b) least 3.0 metres (9.84 feet) from the nearest street line, or is otherwise at least 6.0 metres (19.69 feet) from the nearest street line, and in either case is at least 9.0 metres (29.53 feet) from the nearest other lot line, building, or structure and separated from the street by a close-board fence at least 2.0 metres (6.56 feet) high, or other protection as effectual to prevent access by children playing. (79-288) (80-049)

All the following industrial uses shall be subject to the conditions set forth in provisos (a) and (b) of paragraph (xiv) above: (6902/52)

(xiva) A charity gaming club, provided that:

- (a) it is located with the Area shown on Schedule "M"; and,
- (b) no institutional or residential uses, except a hotel, are permitted within the same building, unless such institutional or residential use, is
 - (i) functionally completely segregated from the charity gaming club, including pedestrian movement to and from such residential or institutional use; and
 - (ii) not interrupted by or projected into or through, any area otherwise,
 - A. accessory, incidental, allocated to or continuous with the charity gaming club, or
 - B. within any area devoted to the charity gaming club. (97-073)

INDUSTRIAL USES

Vegetable Products

- (xv) A soft-drink bottling works or a miscellaneous vegetable food products factory, except the manufacture of yeast, dextrine, starch or glucose, and the refining of sugar;

Animal Products

- (xvi) A meat products plant which is merely incidental to a delicatessen store and occupies not more than fifty per cent of the floor area;

INDUSTRIAL USES (CONT'D)

Textiles and Textile Products

15. 1. (xvii) The manufacture of tents, awnings, knitted goods or other textile products if merely incidental to a retail store and if such manufacture occupies not more than fifty per cent of the floor area, but not including shoddy or felt manufacture, wool-pulling or scouring, or wool carbonizing or hair treatment;

Wood and Paper Products

- (xviii) A printing establishment;
- (xix) A paper products factory except the manufacture of building paper, tar or asphalt composition roofing, saturated paper, excelsior or fibre;
- (xx) A wood products factory except a cooperage works or the manufacture of excelsior or fibre, provided
- (a) that there is no hammering or stamping by power machinery, and no kiln; and
 - (b) that there is no power-driven mechanical equipment operated by other than an electric motor of a rating of 746.0 watts (1 horse power) or less; (79-288)

Iron and Steel and their Products and Manufactures of the Non-Ferrous Metals

15. (1) (xxi) A jewellery factory or small metal wares factory having no hammering, stamping or other operation by power-driven mechanical equipment operated by other than an electric motor of a rating of 746.0 watts (1 horse power) or less; (79-288) (80-049)

Manufactures of the Non-Metallic Minerals

- (xxii) A ceramics factory, if wholly enclosed, and having all heat-processing powered only by gas, oil or electricity, and having no gas or electricity generated on the premises;

Chemical and Allied Industry

- (xxiii) The manufacture of dyestuffs or a pharmaceuticals factory, except the manufacture of disinfectants or insecticides, and provided there is no hammering or stamping by power machinery, and no grinding or other operation by power-driven mechanical equipment operated by other than an electric motor of a rating of 746.0 watts (1 horse power) or less; (80-049)

INDUSTRIAL USES (CONT'D)

Miscellaneous

15. (1) (xxiv) A factory for the manufacture of brooms, brushes, mops, carpet sweepers, artificial flowers and feathers, fountain pens and pencils, artificial ice, electric lamps and lamp shades, mattresses, musical instruments, regalia and society emblems, electric signs and other signs, stamps and stencils, statuary, art goods and novelties, toys, umbrellas, or any other products as listed in Major Group 39 - (Other Manufacturing Industries) of the Standard Industrial Classification (SIC), 1980 by Statistics Canada, (92-170)

Provided:

- (a) That there is no hammering or stamping operation by power machinery, and no kiln; and
- (b) That there is no power-driven mechanical equipment operated by other than an electric motor of a rating of 746.0 watt (one horse power) or less. (79-288) (80-049)

HEIGHT REQUIREMENTS

- (2) (i) Except as provided in clause (ii), no building or structure shall exceed 37.0 metres (121.39 feet) in height. (76-148) (79-288) (80-049) (83-020)
- (ii) Where the average angle of light obstruction for a building or structure does not exceed 75 degrees from the centre line of any street upon which the lot abuts, upon which such building or structure is situate, the height of the building or structure shall not exceed 100.0 metres (328.08 feet). (9141/60) (76-148) (10379/64) (79-288) (80-049) (83-020)

AREA REQUIREMENTS

- (3) The following yards shall be provided within the district, and maintained, as appurtenant to every building and structure in an "I" District: (8927/60)
 - (i) Where a front yard is required for any lot on the same side of a street between two intersecting streets, a front yard of a depth at least as great as that required for any such lot; (9438/61)
 - (ii) For a building used wholly or partly for human habitation, if not over 11.0 metres (36.09 feet) in height, then a side yard along each side lot line, of a width of at least 1.2 metres (3.94 feet), and for each additional 1.0 metre or part thereof above 11.0 metres in height, the width of each side yard shall be increased by an additional 0.3 metre and for a building or structure not so used, no side yard shall be required, except where the lot upon which the same is

AREA REQUIREMENTS (CONT'D)

15. (3) (ii) situate adjoins a district in which side yards are required, in which case there shall be a side yard along that side, of a width at least as great as that required in such adjoining district, except where such adjoining district is a residential district, in which case the side yard shall have a width of at least 4.5 metres (14.76 feet); (9438/61) (79-288) (80-049) (83-020)

Provided, however, that when dwelling units occur above business uses, the foregoing shall not apply to require side yards; (but, see Building Regulations for front and rear light and ventilation requirements in such cases). (7014/52) (80-049)

NOTE: Side yards are, however, required by the Building By-Law for fire protection, for certain types of construction.

- (iii) (a) For a building used wholly for human habitation, a rear yard of a depth of at least 7.5 metres (24.61 feet), (6902/52) (9748/62) (79-288) (80-049)
- (b) For a building used partly for human habitation, a rear yard of a depth of at least 7.5 metres (24.61 feet) for every part of the building so used, and (9748/62) (79-288) (80-049)
- (c) In all other cases a rear yard of a depth of at least 4.5 metres (14.76 feet). (9748/62) (79-288) (80-049)

INTENSITY OF USE

- (4) Every lot or tract of land upon which a dwelling or multiple dwelling is erected, converted or reconstructed in an "I" District shall have, within the district; (8927/60) (10346/64)
- (i) For a single family dwelling, residential care facility, short-term care facility, lodging house, or two family dwelling, a width of at least 12.0 metres (39.37 feet) and an area of at least 360.0 square metres (3,875.13 square feet); (79-288) (80-049) (81-27)
- (ii) For a three family dwelling, a width of at least 12.0 metres (39.37 feet) and an area of at least 405.0 square metres (4,359.52 square feet); (79-288) (80-049)
- (iii) For a multiple dwelling, a width of at least 15.0 metres (49.21 feet), and an area of at least 450.0 square metres (4,843.92 square feet); (79-288) (80-049) (96-136)
- (iv) (Deleted by 10346/64).

FLOOR AREA RATIO

15. (5a) No building or structure in an "I" District shall have a gross floor area of more than eleven times the area of the lot upon which it is situate; (10379/64)

Provided that for every 93.0 square metres (1,001.08 square feet) by which the area of the lot exceeds 540.0 square metres (5,812.70 square feet); said ratio may be increased by the proportion of .025; (10379/64) (79-288) (80-049)

And provided further, that for every 0.3 metres (0.98 feet) of street frontage in excess of 18.0 metres (59.06 feet), said ratio may be increased by the proportion of .0025. (10379/64) (79-288) (80-049) (96-136)

- (5b) Notwithstanding subsection (5a), for multiple dwelling(s) the maximum gross floor area shall not be more than 2.85 times the area of the lot upon which it is situate. (96-136)

DISTANCE REQUIREMENTS

- (6) Except as provided in subsection 7, every residential care facility and every short-term care facility shall be situate on a lot having a minimum radial separation distance of 180.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a residential care facility or a short-term care facility. (81-27)
- (7) Where the radial separation distance from the lot line of an existing residential care facility or an existing short-term care facility is less than 180.0 metres to the lot line of any other lot occupied by a residential care facility or short-term care facility, the existing residential care facility or short-term care facility may be expanded or redeveloped to accommodate not more than the permitted number of residents. (81-27)
- (8) Every Class H Adult Entertainment Parlour shall be located on a lot having a minimum radial separation distance of 500 metres from the lot line to the lot line of every lot in a residential district. (87-306)

15A

"H-1" DIST'S
REGL'NS

SECTION FIFTEEN A - "HI" DISTRICTS

(CIVIC CENTRE PROTECTED DISTRICTS)

REQUIREMENTS AS TO USE

- 15A. (1) Subject to the provisions of Sections 3, 18, 18A, and 19, in an "HI" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, for other than one or more of the following uses, namely: (8769/59) (83-66)

RESIDENTIAL USES

- (i) A hotel;
 - (ia) Class A dwelling units and housekeeping dwelling units in the same building with a hotel, (9735/62)
- Provided that at least sixty per cent of the gross floor area of the building is occupied by Class A dwelling units, housekeeping dwelling units, hotel bedrooms and hotel bedroom suites, not more than fifty per cent of which is occupied by Class A dwelling units and housekeeping dwelling units, none of which Class A dwelling units or housekeeping dwelling units are in the first storey or second storey; (9735/62)

INSTITUTIONAL USES

- (ii) A nursing home, provided that in the case of a building erected after the first day of July, A.D. 1959, the lot has an area of at least 450.0 square metres (4,843.92 square feet); (71-116) (79-288) (80-049) (83-66)
- (iia) A home for the aged. (71-116)
- (iib) A day nursery. (90-248)

PUBLIC USES

- (iii) Any public use permitted in an "E" District; (71-116)

COMMERCIAL USES

- (iv) A medical or dental clinic, or the office or treatment room of any doctor, dentist, osteopath or drugless practitioner;
- (v) Office or consultative uses or personal clinical services by a charitable institution within the meaning of The Charitable Institutions Act;
- (vi) A business or professional person's office;
- (vii) A bank;

COMMERCIAL USES (CONT'D)

- 15A. (1) (viii) A photographer's or artist's studio, but excepting a motion picture studio;
- (ix) A barber shop, hairdressing establishment, beauty parlour, massage parlour, public baths, shoe shine parlour or other such establishment for personal services, including a messenger service, provided the premises occupied by such uses have access only from within an office building or hotel and do not front on a street; (9735/62)
- (x) A tailor's shop, dressmaker's establishment, millinery shop, furrier, shoe store, or any other retail store selling new wearing apparel;
- (xi) A restaurant;
- (xia) An outdoor patio; (86-233)
- (xii) A lunch counter or refreshment stand, provided the premises occupied by such uses, have access only from within an office building or hotel and do not front on a street; (9735/62)
- (xiii) A retail bakery store with or without a bakery as incidental thereto, or a confectionery store, with or without a candy kitchen as incidental thereto;
- (xiv) A commercial lending library;
- (xiva) A commercial art gallery; (73-97)
- (xv) A collecting or distributing station for a laundry or dry cleaning establishment, provided the premises occupied by such uses have access only from within an office building or hotel and do not front on a street; (9735/62)
- (xvi) A retail jewellery store, drug store, flower shop or gift shop; (9735/62)
- (xvii) Parking spaces, a public parking lot or a storage garage where all gasoline storage is in underground tanks, but excepting automobile service stations and public garages of all kinds;
- (xviii) **Signs:** The following types of signs and sizes of signs shall be permitted;
- (a) A roof sign which identifies the name or use of the building.
- (b) A window sign or an outdoor advertising sign or other sign of the kind known as a wall sign, not overhanging a highway.
- (c) The total aggregate area of roof signs, window signs and wall signs as permitted, above, may be not more than 5.0 square metres (53.82 square feet), but may be increased by 0.1 square metres (1.08 square foot) for every 0.3 metres (0.98 feet) of street frontage in excess of 15.0 metres (49.21 feet); (79-288) (80-049)

COMMERCIAL USES (CONT'D)

- 15A. (1) (xix) A pharmaceutical, dental or opticians's laboratory in an office building, or hotel but excepting a factory; (9735/62)
- (xx) A commercial school;
- (xxi) An undertaker's establishment or funeral home, if there is no crematorium;
- (xxii) A travel agency;
- (xxiii) An interior decorator's shop; (9740/62)
- (xxiia) A charity gaming club, provided that:
- (a) it is located within the Area shown on Schedule "M"; and,
 - (b) no institutional or residential uses, except a hotel, are permitted within the same building, unless such institutional or residential use, is
 - (i) functionally completely segregated from the charity gaming club, including pedestrian movement to and from such residential or institutional use; and
 - (ii) not interrupted by or projected into or through, any other otherwise,
 - A. accessory, incidental, allocated to or continuous with the charity gaming club, or
 - B. within any area devoted to the charity gaming club. (97-073)

ACCESSORY USES

- (xxiv) Any use accessory to a principal use as permitted above. (9740/62)

HEIGHT REQUIREMENTS

- (2) (i) Except as provided in subclause (ii), no building or structure shall exceed four storeys or 17.0 metres (55.77 feet) in height; (8824/59) (9141/60) (76-148) (79-288) (80-049)
- (ii) Where the side yards of a building are not less than 3.0 metres (9.84 feet) wide, the height of a building or structure shall not exceed eighteen storeys or 60.0 metres (196.85 feet). (76-148) (79-288) (80-049)

AREA REQUIREMENTS

- 15A. (3) (i) Subject to the requirement for a side yard as aforesaid for that portion of a building which is above the height of four storeys or 17.0 metres (55.77 feet), no side yards shall be required in the "HI" District. (8824/59) (79-288) (80-049)
- (ii) A rear yard of a depth of at least 3.0 metres (9.84 feet) shall be provided and maintained as appurtenant to every building and structure in an "HI" District. (8824/59) (79-288) (80-049)

FLOOR AREA RATIO

- (4) No building or structure in an "HI" District shall have a gross floor area of more than eight times the area of the lot on which it is situated. (8769/59) (92-170)
- (4) By-law 71-116 / 74-25 (Repealed 74-78)
- (5) By-law 73-195 / 74-25 (Repealed 74-78)

SECTION SIXTEEN - "J" DISTRICTS

(LIGHT AND LIMITED HEAVY INDUSTRY, ETC.)

16. (1) Subject to the provisions of Sections 3, 18, 18A, and 19, in a "J" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, for other than one or more of the following uses, namely: (8158/57) (83-66)
- (i) Any institutional use for detentional purposes or for emergency medical or surgical purposes and a day nursery, and such residential use as may be sufficient for the necessary maintenance staff of any lawful principal use. (9778/62) (69-221) (7252/54) (7321/54) (92-170)

PUBLIC USES

- (ii) Any public use as permitted in an "I" District, except a private club, a school for the blind or deaf, a lodge and a fraternity or sorority house; (9640/62) (10089/63)
- (iii) A city yard, district yard, pound or other public use except a public garbage dump; (9717/62)

COMMERCIAL USES

- (iv) Any commercial use as permitted in an "I" District;
- (iva) A gun shop; (90-232)
- (ivb) A third party/billboard sign in accordance with the provisions of Section 18.(15); (96-092)
- (v) Any race track, roller coaster or other place of amusement;
- (vi) A dry-cleaning establishment, solid fuel supply yard, or a fuel-oil storage tank or gasoline storage tank; (92-170)
- (vii) The storage of raw hides or skins;
- (viia) The storage of scrap metals in containers inside a building; (9016/60)
- (viii) A lumber yard, grain elevator, coal elevator, or the storage of second-hand pipe, bricks, lumber or other second-hand building materials, fixtures or appurtenances, but excepting scrap and all such materials which are not in a fit and readily marketable and usable condition for their original purpose; (7152/53)
- (ix) A bag or carpet-cleaning establishment, black smith shop, spray painting, solid fuel yard, tinsmith shop, welder's shop, tire retreading shop or any other commercial use except: (8836/59) (7152/53)

COMMERCIAL USES (CONT'D)

16. (1) (ix) (a) that an animal hospital, kennel and other premises where animals are commercially kept or raised, including a livery stable and other commercial stable shall be at least 30.0 metres (98.43 feet) from a residential district, but this shall not be construed as limiting the location of a pet shop; (6692/51) (7152/53) (9438/61) (79-288) (80-049)
- (b) a motor vehicle wrecking yard, the storage of industrial waste, the storage of second-hand motor vehicle or bicycle parts, tires or accessories or of used motor vehicles not in operative condition, and which are not on the premises of a public garage for repair, or the storage of scrap metal, waste paper, rags, bones, bottles or other such second-hand or salvaged materials or things; (7701/56) (7152/53)
- (c) a stock yard; (7152/53)
- (d) the storage of celluloid, cellulose, pyroxylin, fireworks, acetylene gas, nitrates or other such highly inflammable or explosive substance, save in retail quantities or less, and lawfully and properly kept in accordance with good practice, and saving also, the storage of gasoline and any other uses specifically permitted as above; (7152/53)
- (e) the storage of acid (including hydrogen cyanide), ammonia or other such corrosive or toxic substance, save in retail quantities or less, lawfully and properly kept in accordance with good practice;
- (f) the storage of radioactive materials, save in experimental or medical quantities in a university or hospital in accordance with good practice; and
- (g) the privately-operated incineration or dumping of garbage or privately-operated sewage disposal plant, except a septic tank or incinerator merely incidental to a permitted use, and which has received the approval in writing of the Medical Officer of Health and such approval remains unrevoked;

INDUSTRIAL USES

- (x) Any industrial use as permitted in an "I" District, without the limitation provided in Section 15 (1) (xiv) as to the percentage of floor-area occupied by power-driven mechanical equipment;
- (xa) Any industrial use for the sole purpose of the assembly of parts which have been fabricated elsewhere, into a product the manufacture of which is not otherwise permitted under this Section; (9140/60)

INDUSTRIAL USES (CONT'D)

Vegetable Products

16. (1) (xi) A tobacco factory, brewery, winery, distillery, bakery, candy kitchen, canning factory, flour or feed mill, vinegar factory, Miscellaneous vegetable food products factory or any other vegetable products plant except:
- (a) a vegetable oils plant;
 - (b) a pea-straw ensilage plant;
 - (c) rubber or gutta percha manufacture or treatment; and
 - (d) any other vegetable products manufacture which is an offensive manufacture within the meaning of the Public Health Act:

Animal Products

- (xii) A dairy products plant, a meat-products plant, a leather factory where no tanning is done, a fur factory where no hair treatment is done, a prepared horn or bone products factory, a rabbit or fowl-killing establishment, an animal food factory, or a fish-packing plant where no processing is done involving recovery from fish or fish offal or the manufacture of fertilizer;
- (xiii) Any other animal products plant except:
 - (a) a slaughter-house;
 - (b) a tannery or a curing or hide-processing plant, or an animal by-products plant; and
 - (c) any other animal products manufacture which is an offensive manufacture within the meaning of The Public Health Act;

Textiles and Textile Products

- (xiv) A commission dyeing plant or a textile factory, except wool-carbonizing or hair-treatment;

Wood and Paper Products

- (xv) A paper products factory;
- (xvi) A rag mill or other plant for the manufacture of paper products, except a paper mill or pulp mill;
- (xvii) A wood products factory, sawmill or planing mill;

INDUSTRIAL USES (CONT'D)

Miscellaneous Products

16. (1) (xxiii) A factory for the manufacture of brooms, brushes, mops, musical instruments, electric signs and other signs, stamps and stencils, toys, umbrellas, or any other Miscellaneous Products industry as classified in the reports of the Dominion Bureau of Statistics for Manufacturing Industries published in the year A.D. 1948.

FARMING USES

- (xxiv) Any farming use, except the commercial feeding of garbage or swill to swine or other animals.

NOTE: For quarries and other mining uses see Section 18.

HEIGHT REQUIREMENTS

- (2) (i) Except as provided in clause (ii), no building or structure shall exceed ten storeys or 37.0 metres (121.39 feet) in height; (9141/60) (76-148) (79-288) (80-049)
- (ii) Where a building or structure is situate in whole or in part on a lot abutting or facing a residential district, the height of such building or structure shall not exceed four storeys or 17.0 metres (55.77 feet). (76-148) (79-288) (80-049)

AREA REQUIREMENTS

- (3) In a "J" district, coverage by buildings and structures shall not exceed eighty-five per cent of the area of the lot: (9818/62)

Provided that where any side lot line or rear lot line abuts upon a residential district, no building or structure shall be located nearer to any such side lot line or rear lot line than 4.5 metres (14.76 feet); (9818/62) (79-288) (80-049)

INTENSITY OF USE

- (4) In a "J" District, all intensity of use requirements shall be the same as are provided for an "I" District.

DISTANCE REQUIREMENTS

- (5) Every Class H Adult Entertainment parlour shall be located on a lot having a minimum radial separation distance of 500 metres from the lot line to the lot line of every lot in a residential district. (87-306)

16A "JJ" DIST'S
REGL'NS

SECTION SIXTEEN A - "JJ" DISTRICTS

(RESTRICTED LIGHT INDUSTRIAL DISTRICT)

- 16A. (1) Subject to the applicable provisions of Section 3, 18, 18A, and 19, in a "JJ" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, for other than one or more of the following uses, namely: (8320/58) (83-66)
- (a) Any institutional use for detention purposes or for emergency medical or surgical purposes and a day nursery; (9778/62)
 - (b) As provided in clause ii, iii, and vi of subsection 1 of Section 16;
 - (ba) A Class H Adult Entertainment Parlour;
 - (c) A lumber yard, grain elevator, or the storage of second hand pipe, bricks, lumber, or other second hand building materials, fixtures or appurtenances, excepting scrap and all such materials, that are not in a fit and readily marketable and useable condition for their intended original purpose;
 - (d) A bag or carpet cleaning establishment, blacksmith shop, spray painting, solid fuel yard, tinsmith shop, welders shop;
 - (e) As provided in clause x to xxiv inclusive of subsection 1 of Section 16; and
 - (ea) A cartage, express or truck transport yard or terminal, or a shipping or trans-shipping depot; (8466/58) (8705/59)
 - (eb) An automobile service station; (8582/59) (8705/59)
 - (eba) A use permitted in clause (ixa) of subsection 1 of Section 13A; (76-40) (72-224)
 - (ec) A warehouse; (8646/59) (8705/59)
 - (eca) A wholesale establishment;
 - (ed) A builders' supply yard; (8705/59)
 - (ee) A building contractor's yard; (8705/59)
 - (ef) A carpenter's shop; (8705/59)
 - (eg) A bookbinder's or upholsterer's shop; (8705/59)
 - (eh) A painter's shop; (8705/59)
 - (ei) An auto body and fender repair shop or other public garage; (8788/59)

(RESTRICTED LIGHT INDUSTRIAL DISTRICT (CONT'D))

- 16A. (1) (ej) A retail variety store, a retail grocery or confectionery store, and a lunch counter or refreshment stand, provided however that the floor space for sales and storage of any of the uses in this subclause or a combination of the same shall not exceed 140.0 square metres (1507.0 square feet); (9894/62) (9961/63) (79-288) (80-049)
- (ek) A gun shop (90-232);
- (f) Ground signs, wall signs and roof signs, the advertising matter of which pertains only to the occupancy or use of the lot or building upon which they are erected provided that: (96-092)
- (i) The aggregate area of such sign or signs is not more than 1.0 square metres (10.76 square feet) for every 0.5 metres (1.64 feet) of all street frontages of streets on which the lot abuts, and (79-288) (80-049)
- (ii) The height of such sign or signs shall not exceed 6.0 metres (19.69 feet) in the case of ground sign, or 4.5 metres (14.76 feet) in the case of a roof sign, or 3.5 metres (11.48 feet) in the case of a wall sign, and (79-288) (80-049)
- (iii) No such sign is within any minimum required front yard, side yard or rear yard, except to an extent up to a maximum of 0.1 metres (3.94 inches) in the case of a wall sign, or up to a maximum of 0.5 metres (1.64 feet) in the case of a ground sign, and that each sign is approximately parallel with the wall of the building and within 0.1 metres (3.94 inches) thereof; and (79-288) (80-049)
- NOTE: Signs permitted under the above provisions are also required to be in conformity with the provisions of The Building By-Law No. 4797, and of any other By-Law regulating signs.
- (fa) A third party/billboard sign in accordance with the provisions of Section 18.(15). (96-092)
- (g) Such residential uses as are necessary for the maintenance staff of any lawful principal use permitted in this district.
- (gg) Such residential uses as are necessary for the operator of any lawful principal use permitted in this district. (10447/64)
- (h) Such ancillary commercial uses as are incidental, subordinate and exclusively devoted to a principal use or building and located on the same lot therewith provided that the floor space of the commercial use does not exceed 15% of the total gross floor area. (72-236)

RESTRICTED LIGHT INDUSTRIAL DISTRICT (CONT'D)

- 16A. (2) In a "JJ" District, no building shall exceed four storeys, and no structure shall exceed 17.0 metres (55.77 feet), in height. (9141/60) (79-288) (80-049)
- (3) The following yards shall be provided within the district, an maintained, as appurtenant to every building or structure in a "JJ" District: (8927/60)
- (a) a front yard of a depth of at least 6.0 metres (19.69 feet); (9158/60) (79-288) (80-049)
- (b) no side yard shall be required except where a side lot line abuts upon a residential district, when there shall be a side yard of a width of at least 4.5 metres (14.76 feet); and (9438/61) (9818/62) (79-288) (80-049)
- (c) no rear yard shall be required except where a rear lot line abuts upon a residential district, when there shall be a rear yard of a width of at least 6.0 metres (19.69 feet). (9818/62) (79-288) (80-049)
- Provided, however, that in a "JJ" District, coverage by building and structures shall in no case exceed seventy-five per cent of the area of the lot. (9818/62)
- (4) Every lot or tract of land in a "JJ" District upon which a dwelling is erected, converted, or re-constructed, as permitted under subsection 1 of this Section shall have a width of at least 12.0 metres (39.37 feet), and an area of at least 360.0 square metres (3,875.13 square feet), within the district. (8927/60) (79-288) (80-049)
- (5) For industrial uses, one parking space shall be provided for every 70.0 square metres (753.50 square feet) of gross floor area of the building or buildings on the same lot or tract as the building or buildings. (8320/58) (79-288) (80-049) (83-66)
- (6) Every Class H Adult Entertainment Parlour shall be located on a lot having a minimum radial separation distance of 500 metres from the lot line to the lot line of every lot in a residential district.

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"J-3" DIST'S
REGL'NS

SECTION SIXTEEN B - "J-3" DISTRICTS

(PRESTIGE INDUSTRIAL DISTRICT)

16B. Prestige Industrial Control (9907/62) (83-66) Repealed (92-170)

SECTION SEVENTEEN - "K" DISTRICTS

(HEAVY INDUSTRY, ETC.)

17. (1) Subject to the provisions of Sections 3, 18, 18A, and 19, in a "K" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, for other than one or more of the following uses, namely: (8158/57) (83-66)
- (i) Any institutional use for detentional purposes or for emergency or surgical purposes and a day nursery, and such residential use as may be sufficient for the necessary maintenance staff of any lawful principal use. (9778/62) (69-221) (7252/54) (7381/54)

PUBLIC USES

- (ii) Any public use as permitted in an "I" District, except a private club, a school for the blind or deaf, a lodge and a fraternity or sorority house; (9640/62) (10089/63)
- (iii) A public garbage dump, public incinerator, or other public use;

COMMERCIAL USES

- (iv) A lumber yard, salvage yard, stock yard, fuel storage tank, spray paint shop or any commercial use permitted in a "J" District; (9057/60)
- (iva) A Class H Adult Entertainment Parlour; (87-306)

INDUSTRIAL USES

- (v) Any industrial use permitted in a "J" District; (6902/52)
- (vi) The manufacture of vegetable oils or other manufacture of Vegetable Products;
- (vii) A slaughter house, tannery, glue factory, tallow-rendering plant or any other factory for the manufacture of Animal Products;
- (viii) A textile factory, including wool-carbonizing or hair treatment;
- (ix) A wood products factory or paper products factory, sawmill, planing mill, pulp mill, paper mill or any other factory for the manufacture of any of the Wood and Paper Products, except a distillation plant (for which see Chemical Industry); (6902/52)

INDUSTRIAL USES (CONT'D)

17. (1) (x) A small metal wares factory, metal products factory, primary metals plant or any other factory for the manufacture of Iron and Steel and Their Products, or of Manufacturers of the Non-Ferrous Metals, except the manufacture or processing of radioactive materials;
- (xi) A ceramics factory, sheet mica factory, a plant for rock-crushing, cut stone fabrication, the manufacture of cement and cement products, lime or lime products, asbestos, graphite, gypsum or mica products or any other Manufactures of the Non-metallic Minerals, including the manufacture of emery cloth, sandpaper and other abrasive products, asphalt, tar and petroleum products, but excepting the manufacture of radioactive materials, the manufacture of artificial abrasive, and a distillation plant; (for the last two of which see Chemical Industry) (6902/52) (9016/60)
- (xii) A pharmaceuticals factory, gas plant, coke oven, distillation plant, nitrating processes, the manufacture of chlorine or chlorine bleaches, inorganic adhesives and fertilizers, linoleum, paint, varnish, lacquer, phonograph records, cellulose, celluloid, pyroxylin, rayon,, plastics and other synthetics, polishes or dressings, potash or metallic sodium, poisons, the corrosion of aluminum, copper, iron, tin, lead or zinc, or any other manufacture of Chemicals and Allied Products;
- (xiii) A factory for the manufacture of brushes, fountain pens, lamps, signs, stamps and stencils, umbrellas or any other manufacture of Miscellaneous products industry. (6902/52)

HEIGHT REQUIREMENTS

- (2) In a "K" District, no building shall exceed ten storeys, and no structure shall exceed 37.0 metres (121.39 feet), in height, except a blast furnace or other industrial structure. (9141/60) (79-288) (80-049)

AREA REQUIREMENTS

- (3) In a "K" District, coverage by buildings and structures shall not exceed eighty-five per cent of the area of the lot; (9818/62)
- Provided that where any side lot line or rear lot line abuts upon a residential district, no building or structure shall be located nearer to any such side lot line or rear lot line than 4.5 metres (14.76 feet); (9818/62) (79-288) (80-049)

INTENSITY OF USE

- (4) In a "K" District, all intensity of use requirements shall be the same as are provided for an "I" District.

DISTANCE REQUIREMENTS

17. (5) Every Class H Adult Entertainment Parlour shall be located on a lot having a minimum radial separation distance of 500 metres from the lot line to the lot line of every lot in a residential district.
(87-306)

17A
"KK" DIST'S
REGL'NS

SECTION SEVENTEEN A - "KK" DISTRICTS

(RESTRICTED HEAVY INDUSTRIAL DISTRICT)

- 17A. (1) Subject to the applicable provisions of Sections 3, 18, 18A, and 19, in a "KK" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, for other than one or more of the following uses, namely: (8320/58) (83-66)
- (a) any institutional use for detention purposes or for emergency medical or surgical purposes and a day nursery; (9778/62)
 - (aa) any use permitted in a "JJ" (Restricted Light Industrial) District. (9003/60)
 - (b) a lumber yard, salvage yard, stock yard, fuel storage tank, or spray paint shop;
 - (bb) a wholesale establishment; (85-164)
 - (c) as provided in clauses ii, iii, iva, v, vi, vii, viii, ix, x, xi, xii, xiii of subsection 1 of Section 17; and (87-306)
 - (d) ground signs, wall signs and roof signs, the advertising matter of which pertains only to the occupancy or use of the lot or building upon which they are erected provided that:
 - (i) the aggregate area of such sign or signs is not more than 1.0 square metres (10.76 square feet) for every 0.5 metres (1.64 feet) of all street frontages of streets on which the lot abuts, and (79-288) (80-049)
 - (ii) the height of such sign or signs shall not exceed 6.0 metres (19.69 feet) in the case of a ground sign, or 4.5 metres (14.76 feet) in the case of a roof sign, or 3.5 metres (11.48 feet) in the case of a wall sign; and (79-288) (80-049)
 - (iii) no such sign is within any minimum required front yard, side yard or rear yard, except to an extent up to a maximum of 0.1 metres (3.94 inches) in the case of a wall sign, or up to a maximum of 0.5 metres (1.64 feet) in the case of a ground sign, and that each such sign is approximately parallel with the wall of the building and within 0.1 metre (3.94 inches) thereof; and (79-288) (80-049)
- NOTE: Signs permitted under the above provisions are also required to be in conformity with the provisions of The Building By-Law No. 4797, and of any other By-Law regulating signs.
- (dd) A third party/billboard sign in accordance with the provisions of Section 18.(15). (96-092)
 - (g) Such residential uses as are necessary for the maintenance staff of any lawful principal use permitted in this district.

RESTRICTED HEAVY INDUSTRIAL DISTRICT (CONT'D)

- 17A. (2) In a "KK" District, no building shall exceed four storeys, and no structure shall exceed 17.0 metres (55.77 feet), in height. (9141/60) (79-288) (80-049)
- (3) Yards shall be provided and maintained as appurtenant to every building or structure in a "KK" District, in accordance with the provisions of subsection 3 of Section 16A.
- (4) Every lot or tract of land in a "KK" District upon which a dwelling is erected, converted or re-constructed as permitted under subsection 1 of this Section shall be in accordance with the provisions of subsection 4 of Section 16A.
- (5) Parking space for industrial uses in a "KK" District shall be provided in accordance with the provisions of subsection 5 of Section 16A. (8320/58) (83-66)

DISTANCE REQUIREMENTS

- (6) Every Class H Adult Entertainment Parlour shall be located on a lot having a minimum radial separation distance of 500 metres from the lot line to the lot line of every lot in a residential district. (87-306)

SECTION SEVENTEEN B - "L" DISTRICTS

(PLANNED DEVELOPMENT)

- 17B. (1) In this Section, (71-318)
- (a) "L-r" means Low Density Residential uses;
 - (b) "L-mr-1" means Multiple Residential uses;
 - (c) "L-mr-2" means Multiple Residential uses;
 - (d) "L-pn" means Public and Institutional uses;
 - (e) "L-c" means Commercial uses;
 - (f) "L-i" means Industrial uses;
 - (g) "L-t" means Transportation uses;
 - (h) **"Low Density Residential"** use means that no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used except for one and two family dwellings;
 - (i) **"Multiple Residential"** use means that no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used except for townhouse dwellings, maisonette dwellings and multiple dwellings; (92-170)
 - (j) **"Public and Institutional"** use means that no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used except for,
 - (i) Public uses within the meaning of clause C of subsection 2 of Section 2 of By-Law No. 6593, and
 - (ii) Institutional uses within the meaning of clause B of subsection 2 of Section 2 of By-Law No. 6593;
 - (k) **"Commercial"** use means that no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used except mainly for Commercial uses within the meaning of clause D of subsection 2 of Section 2 of By-Law No. 6593; (73-233)
 - (l) **"Industrial"** use means that no building or structure shall be erected, altered, extended or enlarged nor shall any building or structure or part thereof be used, nor shall any land be used except for Industrial uses within the meaning of clause E of subsection 2 of Section 2 of By-Law No. 6593;

PLANNED DEVELOPMENT (CONT'D)

- 17B. (1) (m) "Transportation" use means that no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used except for:
1. transportation corridors;
 2. transportation terminals;
 3. freight handling facilities;
 4. passenger handling facilities;
 5. accessory storage, warehousing and parking areas to the uses referred to in paragraphs 1, 2, 3 and 4 of this clause.
- (2) Where any District Map is marked "L" followed by a hyphen and one or more lower case letters of the alphabet,
- (a) the district is deemed to be an "L" (Planned Development) district, and
 - (b) the district so marked,
 - (i) shall be marked in accordance with subsection 3, and
 - (ii) is deemed to prohibit all uses except the use not prohibited by subsection 4 for which the District Map is marked.
- (3) Subject to subsection 4, an "L" (Planned Development) district shall be marked on any District Map in accordance with subsection 1, as follows:
- (a) L-r, or
 - (b) L-mr-1, or
 - (c) L-mr-2, or
 - (d) L-pn, or
 - (e) L-c, or
 - (f) L-i, or
 - (g) L-t
- (4) In an "L" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used except in accordance with,
- (a) Low Density Residential uses, or
 - (b) Multiple Residential uses, or
 - (c) Public and Institutional uses, or
 - (d) Commercial uses, or

PLANNED DEVELOPMENT (CONT'D)

- 17B. (4) (e) Industrial uses, or
(f) Transportation uses
- (5) Notwithstanding subsection 4, in an "L" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used except in accordance with a by-law enacted under subsection 6. (72-144)
- (6) In an "L" District, the District Maps appended to and forming part of Zoning By-Law No. 6593 shall be amended in accordance with (72-144)
- (a) such further and other restricted area by-law as may be passed by the Council of The Corporation of the City under Section 34 of The Planning Act, (92-170)
- (i) by changing from "L" (Planned Development) district marked "L-r" on the District Maps to either
- A. "B" (Suburban Agricultural and Residential, etc.) District, or
- B. "B-1" (Suburban Agricultural and Residential, etc.) District, or
- C. "B-2" (Suburban Residential) District, or
- D. "C" (Urban Protected Residential, etc.) District, or
- E. "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, or (92-170)
- F. "R-2" (Urban Protected Residential - One and Two Family Dwelling) District, or (92-170)
- G. "R-4" (Small Lot Single Family Dwelling) District; (92-170)
- (ii) by changing from "L" (Planned Development) District marked "L-mr-1" on the District Maps to either,
- A. "DE" (Low Density Multiple Dwellings) District, or
- B. "DE-2" (Multiple Dwellings) District, or
- C. "DE-3" (Multiple Dwellings) District, or
- D. "E-2" (Multiple Dwellings) District;
- E. "RT-10" (Townhouse) District; (73-245) (78-45) (78-209)
- F. "RT-20" (Townhouse-Maisonette) District; (73-245) (78-45) (78-209)
- G. "RT-30" (Street Townhouse) District. (78-45) (78-209)

PLANNED DEVELOPMENT (CONT'D)

- 17B. (6) (a) (iii) by changing from "L" (Planned Development) district marked "L-mr-2" on the District Maps to either
- A. "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, or
 - B. "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District, or
 - C. "E-3" (High Density Multiple Dwellings) District.
- (iv) by changing from "L" (Planned Development) District marked "L-pn" on the District Maps to any one of the Districts made subject to a Public or Institutional use under subsection 4;
- (v) by changing from "L" (Planned Development) District marked "L-c" on the District Maps to either,
- A. "G" (Neighbourhood Shopping Centre, etc.) District, or
 - B. "G-1" (Designed Shopping Centre) District, or
 - C. "G-2" (Regional Shopping Centres) District, or
 - D. "G-3" (Public Parking Lots) District, or
 - E. "G-4" (Designed Neighbourhood Shopping Area) District, or
 - F. "H" (Community Shopping and Commercial, etc.) District, or
 - G. "HH" (Restricted Community Shopping and Commercial) District, or
 - H. "HI" (Civic Centre Protected) District, or
 - I. "I" (Central Business, etc.) District, or (73-233)
 - J. "CR-1" District, or (73-233)
 - K. "CR-2" District, or (73-233)
 - L. "CR-3" District, or (73-233)
 - M. "M-11" (Prestige Industrial) District. (74-151) (92-170)
- (vi) by changing from "L" (Planned Development) District marked "L-i" on the District Maps to either,
- A. "J" (Light and Limited Heavy Industry, etc.) District, or
 - B. "JJ" (Restricted Light Industrial) District, or
 - C. "J-3" (Prestige Industrial) District or

PLANNED DEVELOPMENT (CONT'D)

- 17B. (6) (a) (vi) D. "K" (Heavy Industry, etc.) District, or
E. "KK" (Restricted Heavy Industrial) District;
F. "M-11" (Prestige Industrial) District, or
(77-277)
G. "M-12" (Prestige Industrial) District, or
(74-151)
H. "M-13" (Prestige Industrial) District, or
(74-151)
I. "M-14" (Prestige Industrial) District, or
(74-151)
J. "M-15" (Prestige Industrial) District. (77-277)
- (vii) by changing from "L" (Planned Development) District
marked "L-t" on the District Maps to any one of the
Districts made subject to the transportation use
under subsection 4. (71-318)
- (b) Repealed (74-78)
- (7) Repealed (74-78) (72-144)

17C "M-11" DIST'S
REGL'NS

SECTION SEVENTEEN C - "M-11" DISTRICT

(PRESTIGE INDUSTRIAL) (74-151) (83-228)

- 17C. (1) Subject to the provisions of Sections 3, 18, 18A, and 19, in an "M-11" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used for other than one or more, (83-66)
- (a) **RESIDENTIAL USES** designated in Table 1 hereto annexed;
 - (b) **PUBLIC USES** designated in Table 2 hereto annexed;
 - (bb) **INSTITUTIONAL USES** designated in Table 3 hereto annexed; (90-248)
 - (c) **COMMERCIAL USES** designated in Table 4 hereto annexed;
 - (d) **ACCESSORY USES** as follows:
 - 1. Any accessory building, structure or use customarily ancillary to any of the uses not prohibited. (92-246)
 - 2. A dwelling unit not exceeding 83.5 square metres (898.81 square feet) of gross floor area which is necessary for maintenance staff for an industrial use. (92-246)
 - 3. Ground sign, wall sign, roof sign. (92-246)
- (2) Every **RESIDENTIAL, PUBLIC, INSTITUTIONAL, COMMERCIAL** and **ACCESSORY USE**, except a sign, shall comply with the following,
- (a) **Height Requirements:**
 - 1. Except as provided in paragraph 2, no building or structure or part thereof shall exceed 14.0 metres in height.
 - 2. No building or structure that is a hotel shall exceed 36.5 metres in height.
 - (b) **Area Requirements:**
 - 1. There shall be provided and maintained upon the same lot or tract of land and within the "M-11" District for every building or structure,
 - (i) a front yard having a depth of not less than 12.0 metres;
 - (ii) side yards having a width of not less than 10% of the width of the lot to a maximum width of 6.0 metres (19.69 feet), except where the lot is a corner lot, a flankage side yard having a width of not less than 6.0 metres (19.69 feet); (92-246)
 - (iii) a rear yard having a depth of not less than 4.5 metres.

PRESTIGE INDUSTRIAL (CONT'D)

17C. (2) (c) **Intensity of Use Requirements:**

1. Every lot or tract of land shall have,
 - (i) a lot width of not less than 30.0 metres;
 - (ii) a lot area of not less than 1,100.0 square metres.

(d) **Lot Coverage Requirement:**

1. Lot coverage by all buildings and structures shall not exceed 60% of the lot area.

(e) **Gross Floor Area Requirement:**

1. No building or structure that is a hotel shall have a gross floor area greater than double the lot area.

(f) **Landscape Requirements:**

1. There shall be provided and maintained on the same lot or tract of land and within the "M-11" District,
 - (i) except for the area used for access driveways, a landscaped area in the required front yard having a depth of not less than 6.0 metres (19.69 feet) abutting the street line; (92-246)
 - (ii) where the lot or tract of land is a corner lot, a landscaped area in the entire required side yard abutting the street line, except for the area used for access driveways; (92-246)
 - (iii) where the lot or tract of land abuts an "A" District, a landscaped area having a width or depth of not less than 7.5 metres along the full length of the lot line abutting the "A" District.

(g) **Loading Space Requirements:**

1. (Repealed) (85-89)
2. No part of a front yard or of a side yard that is less than 6.0 metres from an abutting street line or the boundary of an abutting residential district shall be used as loading space.

(h) **Storage Requirements:**

1. No front yard shall be used for outside storage.
2. Every side yard or rear yard that is used for outside storage of any material or any equipment shall be completely screened from external view by a visual barrier not less than 1.5 metres in height and not more than 3.0 metres in height.
3. No part of a side yard or rear yard used for outside storage shall be situate less than 6.0 metres from an abutting street line or from the boundary of an abutting residential district.

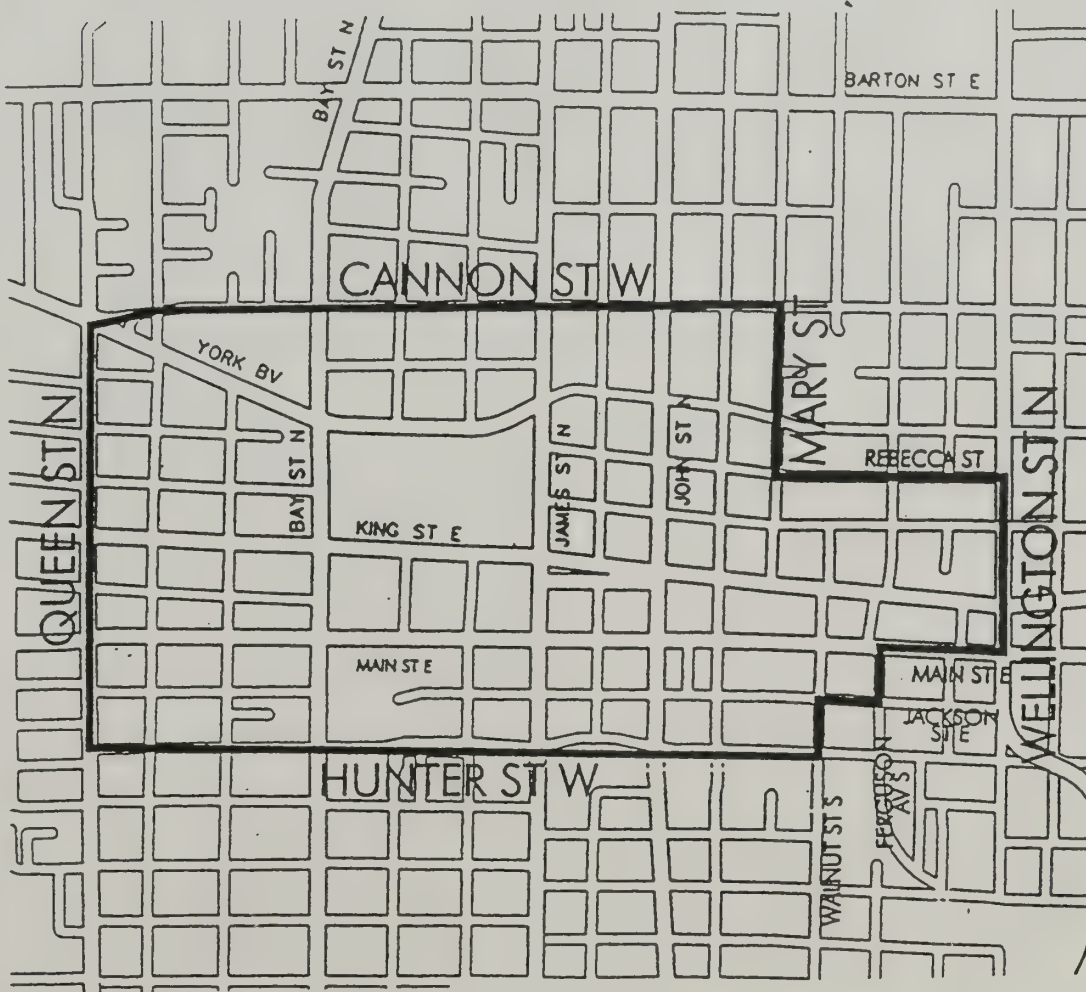
PRESTIGE INDUSTRIAL (CONT'D)

- 17C. (3) (h) 4. The total area used for storage outside of a building or structure shall not exceed 5% of the lot area, except for Lawn and Garden Centres. (92-246)
- (i) Distance Requirement:
1. Every Class H Adult Entertainment Parlour shall be located on a lot having a minimum radial separation distance of 500 metres from the lot line to the lot line of every lot in a residential district. (87-306)

Every sign shall comply with the following requirements, as the case may be:

1. No ground sign shall exceed 6.0 metres in vertical dimension.
2. No wall sign shall exceed 4.5 metres in vertical dimension.
3. No roof sign shall exceed 3.5 metres in vertical dimension.
4. The total aggregate area of all signs shall not exceed 0.5 square metres for every 0.5 metres of the street frontage on which the lot abuts.
5. Notwithstanding subclause 2(2)J(xxvi), no sign shall project into a required front yard or a required rear yard except,
 - (i) a wall sign, but not more than 0.5 metres projection into the yard. (92-246)
6. (i) Notwithstanding subclause 2.(2)J.(xxvi), no ground sign shall be located less than 6.0m (19.69') from the nearest street line. (92-246)
 - (ii) Notwithstanding clause (i) above, no ground sign shall be located less than 12.0m (39.37') from the front lot line, for those lands having frontage either on Stone Church Road East or Nebo Road. (92-246)

Schedule "K" - Downtown Residential Parking Area



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 97-015
Passed the 28th day of January, 1997.

[Signature]
Clerk

[Signature]
Mayor

City of Hamilton

Schedule "A"

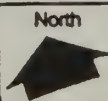
Map Forming Part of
By-Law No. 97-015
to Amend By-Law No. 6593

Planning and Development Department

Legend



No Parking and loading required
for Residential Development



North

Scale
NOT TO SCALE

Date
January 1997

Reference File No.
C196-1

Drawn By
W. B.

17D "M-12" DIST'S
REGL'NS

SECTION SEVENTEEN D - "M-12" DISTRICTS

(PRESTIGE INDUSTRIAL)

- 17D. (1) Subject to the provisions of Sections 3, 18, 18A and 19, in an "M-12" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any land be used for other than one or more, (85-89)
- (a) **PUBLIC USES** designated in Table 2 hereto annexed;
 - (aa) **INSTITUTIONAL USES** designated in Table 3 hereto annexed; (90-248)
 - (b) **COMMERCIAL USES** designated in Table 4 hereto annexed;
 - (c) **INDUSTRIAL USES** designated in Table 5 hereto annexed;
 - (d) **ACCESSORY USES:**
 - 1. Any accessory building, structure or use customarily ancillary to any of the uses not prohibited. (92-246)
 - 2. A dwelling unit not exceeding 83.5 square metres (898.81 square feet) of gross floor area which is necessary for maintenance staff for an industrial use. (92-246)
 - 3. Ground sign, wall sign, roof sign. (92-246)
- (2) Every **PUBLIC, INSTITUTIONAL, COMMERCIAL, INDUSTRIAL** and **ACCESSORY USE**, except a sign, shall comply with the following,
- (a) **Height Requirement:**
 - 1. No building or structure or part thereof shall exceed 14.0 metres in height.
 - (b) **Area Requirements:**
 - 1. There shall be provided and maintained upon the same lot or tract of land and within the "M-12" District for every building or structure,
 - (i) a front yard having a depth of not less than 12.0 metres;
 - (ii) side yards having a width of not less than 10% of the width of the lot to a maximum width of 6.0 metres, except where the lot is a corner lot, a flankage side yard having a width of not less than 6.0 metres;
 - (iii) a rear yard having a depth of not less than 4.5 metres.
 - (c) **Intensity of Use Requirements:**
 - 1. Every lot or tract of land shall have,
 - (i) a lot width of not less than 30.0 metres;
 - (ii) a lot area of not less than 1,100.0 square metres.

PRESTIGE INDUSTRIAL (CONT'D)

17D. (2) (d) **Lot Coverage Requirement:**

1. Lot coverage by all buildings and structures shall not exceed 60% of the lot area.

(e) **Landscape Requirements:**

1. There shall be provided and maintained on the same lot or tract of land and within the "M-12" District,
 - (i) except for the area used for access driveways a landscaped area in the required front yard having a depth of not less than 6.0 metres abutting the street line; (85-89)
 - (ii) where the lot or tract of land is a corner lot a landscaped area in the entire required side yard abutting the street line except for the area used for access driveways; (85-89)
 - (iii) where the lot or tract of land abuts an "A" District, a landscaped area having a width or depth of not less than 7.5 metres along the full length of the lot line abutting the "A" District.

(f) **Parking Requirements:**

1. There shall be provided and maintained in the "M-12" District upon the same lot or tract of land upon which one or more buildings or structures are erected, altered, extended or enlarged, an asphalt or concrete surfaced parking area comprised of not less than one parking space for each 46.0 square metres of gross floor area of industrial use. (85-89)

(g) **Loading Space Requirements:**

1. Notwithstanding Section 18, and except as provided in paragraph 2,
 - (i) there shall be provided and maintained in the "M-12" District and on the same lot or tract of land for industrial uses, not less than one loading space for each 1,848.0 square metres of gross floor area or part thereof; (85-89)
 - (ii) no loading space for an industrial use shall be less than 15.2 metres in length and 3.6 metres in width or have a vertical clearance of less than 4.3 metres. (85-89)
2. No part of a front yard or a side yard that is less than 6.0 metres from an abutting street line or the boundary of an abutting residential district shall be used as loading space.

PRESTIGE INDUSTRIAL (CONT'D)

17D. (2) (h) **Storage Requirements:**

1. No front yard shall be used for outside storage.
2. Every side yard or rear yard that is used for outside storage of any material or any equipment shall be completely screened from external view by a visual barrier not less than 1.5 metres in height and not more than 3.0 metres in height.
3. No part of a side yard or rear yard used for outside storage shall be situate less than 6.0 metres from an abutting street line or from the boundary of an abutting residential district.
4. The total area used for storage outside of a building or structure shall not exceed 5% of the lot area, except for Lawn and Garden Centres. (92-246)

(i) **Distance Requirement:**

1. Except for parking areas and access driveways accessory thereto, no industrial building or structure shall be erected and no industrial use and no outside storage other than outside parking facilities shall be situate less than 90.0 metres from any building or structure on land used solely for residential purposes within the area shown on Schedule "J".

(3) Every sign shall comply with the following requirements, as the case may be:

1. No ground sign shall exceed 6.0 metres in vertical dimension.
2. No wall sign shall exceed 4.5 metres in vertical dimension.
3. No roof sign shall exceed 3.5 metres in vertical dimension.
4. The total aggregate area of all signs shall not exceed 0.5 square metres for every 0.5 metres of the street frontage on which the lot abuts.
5. Notwithstanding subclause 2(2)J(xxvi), no sign shall project into a required front yard or a required rear yard except,
 - (i) a wall sign, but not more than 0.5 metres projection into the yard. (92-246)
6.
 - (i) Notwithstanding subclause 2.(2)J.(xxvi), no ground sign shall be located less than 6.0m (19.69') from the nearest street line. (92-246)
 - (ii) Notwithstanding clause (i) above, no ground sign shall be located less than 12.0m (39.37') from the front lot line, for those lands having frontage either on Stone Church Road East or Nebo Road. (92-246)

17E
"M-13" DIST'S
REGL'NS

SECTION SEVENTEEN E - "M-13" DISTRICTS

(PRESTIGE INDUSTRIAL)

17E. (1) Subject to the provisions of Sections 3, 18, 18A and 19, in an "M-13" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any land be used for other than one or more, (85-89)

(a) **RESIDENTIAL USES** designated in Table 1 hereto annexed;

(b) **PUBLIC USES** designated in Table 2 hereto annexed;

(bb) **INSTITUTIONAL USES** designated in Table 3 hereto annexed; (90-248)

(c) **COMMERCIAL USES** designated in Table 4 hereto annexed;

(d) **INDUSTRIAL USES** designated in Table 5 hereto annexed;

(e) **ACCESSORY USES** as follows:

1. Any accessory building, structure or use customarily ancillary to any of the uses not prohibited. (92-246)

2. A dwelling unit not exceeding 83.5 square metres (898.81 square feet) of gross floor area which is necessary for maintenance staff for an industrial use. (92-246)

3. Ground sign, wall sign, roof sign. (92-246)

(2) Every **RESIDENTIAL, PUBLIC, INSTITUTIONAL, COMMERCIAL, INDUSTRIAL** and **ACCESSORY USE**, except a sign, shall comply with the following,

(a) **Height Requirement:**

1. No building or structure or part thereof shall exceed 14.0 metres in height.

(b) **Area Requirements:**

1. There shall be provided and maintained upon the same lot or tract of land and within the "M-13" District for every building or structure,

(i) a front yard having a depth of not less than 6.0 metres;

(ii) side yards having a width of not less than 10% of the width of the lot to a maximum width of 6.0 metres, except where the lot is a corner lot, a flankage side yard having a width of not less than 6.0 metres;

(iii) a rear yard having a depth of not less than 7.5 metres.

(c) **Intensity of Use Requirements:**

1. Every lot or tract of land shall have,

(i) a width of not less than 30.0 metres;

(ii) an area of not less than 1,100.0 square metres.

PRESTIGE INDUSTRIAL (CONT'D)

17E. (2) (d) **Lot Coverage Requirement:**

1. Lot coverage by all buildings and structures shall not exceed 60% of the lot area.

(e) **Landscape Requirements:**

1. There shall be provided and maintained on the same lot or tract of land and within the "M-13" District,
 - (i) except for the area used for access driveways a landscaped area in the required front yard having a depth of not less than 6.0 metres abutting the street line; (85-89)
 - (ii) where the lot or tract of land is a corner lot, a landscaped area in the entire required side yard abutting the street line except for the area used for access driveways; (85-89)
 - (iii) where the lot or tract of land abuts an "A" District, a landscaped area having a width or depth of not less than 13.5 metres along the full length of the lot line abutting the "A" District.

(f) **Parking Requirement:**

1. There shall be provided and maintained in the "M-13" District upon the same lot or tract of land upon which one or more buildings or structures are erected, altered, extended or enlarged, an asphalt or concrete surfaced parking area comprised of not less than one parking space for each 46.0 square metres of gross floor area of industrial use. (85-89)

(g) **Loading Space Requirements:**

1. Notwithstanding Section 18, and except as provided in paragraph 2,
 - (i) there shall be provided and maintained in the "M-13" District and on the same lot or tract of land for industrial uses, not less than one loading space for each 1,848.0 square metres of gross floor area or part thereof; (85-89)
 - (ii) no loading space for an industrial use shall be less than 15.2 metres in length and 3.6 metres in width or have a vertical clearance of less than 4.3 metres. (85-89)
2. No part of a front yard or a side yard that is less than 6.0 metres from an abutting street line or the boundary line of an abutting residential district shall be used as loading space.

PRESTIGE INDUSTRIAL (CONT'D)

17E. (2) (h) **Storage Requirements:**

1. No front yard shall be used for outside storage.
2. Every side yard or rear yard that is used for outside storage of any material or any equipment shall be completely screened from external view by a visual barrier not less than 1.5 metres in height and not more than 3.0 metres in height.
3. No part of a side yard or rear yard used for outside storage shall be situate less than 6.0 metres from an abutting street line or from the boundary of an abutting residential district.
4. The total area used for storage outside of a building or structure shall not exceed 5% of the lot area.

(i) **Distance Requirement:**

1. Except for parking areas and access driveways accessory thereto, no industrial building or structure shall be erected and no industrial use and no outside storage other than automobile parking facilities shall be situate less than 90.0 metres from any building or structure on land used solely for residential purposes within the area shown on Schedule "J".

(3) Every sign shall comply with the following requirements, as the case may be:

1. No ground sign shall exceed 6.0 metres in vertical dimension.
2. No wall sign shall exceed 4.5 metres in vertical dimension.
3. No roof sign shall exceed 3.5 metres in vertical dimension.
4. The total aggregate area of all signs shall not exceed 0.5 square metres for every 0.5 metres of the street frontage on which the lot abuts.
5. Notwithstanding subclause 2(2)J(xxvi), no sign shall project into a required front yard or a required rear yard except,
 - (i) a wall sign, but not more than 0.5 metres projection into the yard. (92-246)
6. (i) Notwithstanding subclauses 2.(2)J.(xb) and 2.(2)J.(xxvi), no ground sign shall be located less than 3.0m (9.84') from the nearest street line. (92-246)
 - (ii) Notwithstanding clause (i) above, no ground sign shall be located less than 6.0m (19.69') from the front lot line, for those lands having frontage either on Stone Church Road East or Nebo Road. (92-246)

17F "M-14" DIST'S
REGL'NS

SECTION SEVENTEEN F - "M-14" DISTRICTS

(PRESTIGE INDUSTRIAL)

- 17F. (1) Subject to the provisions of Sections 3, 18, 18A and 19, in an "M-14" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any land be used for other than one or more, (85-89)
- (a) **PUBLIC USES** designated in Table 2 hereto annexed; (85-89)
 - (aa) **INSTITUTIONAL USES** designated in Table 3 hereto annexed; (90-248)
 - (b) **COMMERCIAL USES** designated in Table 4 hereto annexed; (85-89)
 - (c) **INDUSTRIAL USES** designated in Table 5 hereto annexed; (85-89)
 - (d) **ACCESSORY USES** as follows: (85-89) (92-246)
 - 1. Any accessory building, structure or use customarily ancillary to any of the uses not prohibited. (92-246)
 - 2. A dwelling unit not exceeding 83.5 square metres (898.81 square feet) of gross floor area which is necessary for maintenance staff for an industrial use. (92-246)
 - 3. Ground sign, wall sign, roof sign. (92-246)
- (2) Every **PUBLIC, INSTITUTIONAL, COMMERCIAL, INDUSTRIAL and ACCESSORY USE**, except a sign, shall comply with the following,
- (a) **Height Requirement:**
 - 1. No building or structure shall exceed 14.0 metres in height.
 - (b) **Area Requirements:**
 - 1. There shall be provided and maintained upon the same lot or tract of land and within the "M-14" District for every building or structure,
 - (i) a front yard having a depth of not less than 6.0 metres;
 - (ii) side yards having a width of not less than 10% of the width of the lot to a maximum width of 6.0 metres, except where the lot is a corner lot, a flankage side yard having a width of not less than 6.0 metres;
 - (iii) a rear yard having a depth of not less than 4.5 metres.
 - (c) **Intensity of Use Requirements:**
 - 1. Every lot or tract of land shall have,
 - (i) a lot width of not less than 30.0 metres;
 - (ii) a lot area of not less than 1,100.0 square metres.

PRESTIGE INDUSTRIAL (CONT'D)

17F. (2) (d) **Lot Coverage Requirement:**

1. Lot coverage by all buildings and structures shall not exceed 60% of the lot area.

(e) **Landscape Requirements:**

1. There shall be provided and maintained on the same lot or tract of land and within the "M-14" District,
 - (i) except for the area used for access driveways a landscaped area in the required front yard having a depth of not less than 6.0 metres abutting the street line; (85-89)
 - (ii) where the lot or tract of land is a corner lot, a landscaped area in the entire required side yard abutting the street line except for the area used for access driveways; (85-89)
 - (iii) where the lot or tract of land abuts an "A" District, a landscaped area having a width or depth of not less than 7.5 metres along the full length of the lot line abutting the "A" District.

(f) **Parking Requirement:**

1. There shall be provided and maintained in the "M-14" District upon the same lot or tract of land upon which one or more buildings or structures are erected, altered, extended or enlarged, an asphalt or concrete surfaced parking area comprised of not less than one parking space for each 46.0 square metres of gross floor area of industrial use. (85-89)

(g) **Loading Space Requirements:**

1. Notwithstanding Section 18, and except as provided in paragraph 2,
 - (i) there shall be provided and maintained in the "M-14" District and on the same lot or tract of land for industrial uses, not less than one loading space for each 1,848.0 square metres of gross floor area or part thereof; (85-89)
 - (ii) no loading space for an industrial use shall be less than 15.2 metres in length and 3.6 metres in width or have a vertical clearance of less than 4.3 metres. (85-89)
2. No part of a front yard or a side yard that is less than 6.0 metres from an abutting street line or the boundary of an abutting residential district shall be used as loading space.

PRESTIGE INDUSTRIAL (CONT'D)

17F. (2) (h) Storage Requirements:

1. No front yard shall be used for outside storage.
2. Every side yard or rear yard that is used for outside storage of any material or any equipment shall be completely screened from external view by a visual barrier not less than 1.5 metres in height and not more than 3.0 metres in height.
3. No part of a side yard or rear yard used for outside storage shall be situate less than 6.0 metres from an abutting street line or from the boundary of an abutting residential district.
4. The total area used for storage outside of a building or structure shall not exceed 5% of the lot area.

(i) Distance Requirement:

1. Except for parking areas and access driveways accessory thereto, no industrial building or structure shall be erected and no industrial use and no outside storage other than automobile parking facilities shall be situate less than 90.0 metres from any building or structure on land used solely for residential purposes within the area shown on Schedule "J".

(3) Every sign shall comply with the following requirements, as the case may be:

1. No ground sign shall exceed 6.0 metres in vertical dimension.
2. No wall sign shall exceed 4.5 metres in vertical dimension.
3. No roof sign shall exceed 3.5 metres in vertical dimension.
4. The total aggregate area of all signs shall not exceed 0.5 square metres for every 0.5 metres of the street frontage on which the lot abuts.
5. Notwithstanding subclause 2(2)J(xxvi), no sign shall project into a required front yard or a required rear yard except,
 - (i) a wall sign, but not more than 0.5 metres projection into the yard. (92-246)
6.
 - (i) Notwithstanding subclauses 2.(2)J.(xb) and 2.(2)J.(xxvi), no ground sign shall be located less than 3.0m (9.84') from the nearest street line. (92-246)
 - (ii) Notwithstanding clause (i) above, no ground sign shall be located less than 6.0m (19.69') from the front lot line, for those lands having frontage either on Stone Church Road East or Nebo Road. (92-246)

176 "M-15" DIST'S
REGL'NS

SECTION SEVENTEEN G - "M-15" DISTRICTS

(PRESTIGE INDUSTRIAL)

- 17G. (1) Subject to the provisions of Sections 3, 18, 18A and 19, in an "M-15" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any land be used for other than one or more, (85-89)
- (a) **PUBLIC USES** designated in Table 2 hereto annexed; (85-89)
 - (aa) **INSTITUTIONAL USES** designated in Table 3 hereto annexed; (90-248)
 - (b) **COMMERCIAL USES** designated in Table 4 hereto annexed; (85-89)
 - (c) **INDUSTRIAL USES** designated in Table 5 hereto annexed; (85-89)
 - (d) **ACCESSORY USES** as follows: (85-89) (92-246)
 - 1. Any accessory building, structure or use customarily ancillary to any of the uses not prohibited. (92-246)
 - 2. A dwelling unit not exceeding 83.5 square metres (898.81 square feet) of gross floor area which is necessary for maintenance staff for an industrial use. (92-246)
 - 3. Ground sign, wall sign, roof sign. (92-246)
- (2) Every **PUBLIC, INSTITUTIONAL, COMMERCIAL, INDUSTRIAL** and **ACCESSORY USE**, except a sign, shall comply with the following,
- (a) **Height Requirement:**
 - 1. No building or structure shall exceed 14.0 metres in height.
 - (b) **Area Requirements:**
 - 1. There shall be provided and maintained upon the same lot or tract of land and within the "M-15" District for every building or structure,
 - (i) a front yard having a depth of not less than 6.0 metres;
 - (ii) side yards having a width of not less than 10% of the width of the lot to a maximum width of 6.0 metres, except where the lot is a corner lot, a flankage side yard having a width of not less than 6.0 metres;
 - (iii) a rear yard having a depth of not less than 4.5 metres.

PRESTIGE INDUSTRIAL (CONT'D)

17G. (2) (c) **Intensity of Use Requirements:**

1. Every lot or tract of land shall have,

- (i) a lot width of not less than 30.0 metres;
- (ii) a lot area of not less than 1,100.0 square metres.

(d) **Lot Coverage Requirement:**

1. Lot coverage by all buildings and structures shall not exceed 60% of the lot area.

(e) **Landscape Requirements:**

1. There shall be provided and maintained on the same lot or tract of land and within the "M-15" District,

- (i) except for the area used for access driveways a landscaped area in the required front yard having a depth of not less than 6.0 metres abutting the street line; (85-89)
- (ii) where the lot or tract of land is a corner lot, a landscaped area in the entire required side yard abutting the street line except for the area used for access driveways; (85-89)
- (iii) where the lot or tract of land abuts an "A" District, a landscaped area having a width or depth of not less than 7.5 metres along the full length of the lot line abutting the "A" District.

(f) **Parking Requirement:**

1. There shall be provided and maintained in the "M-15" District upon the same lot or tract of land upon which one or more buildings or structures are erected, altered, extended or enlarged, an asphalt or concrete surfaced parking area comprised of not less than one parking space for each 46.0 square metres of gross floor area of industrial use. (85-89)

(g) **Loading Space Requirements:**

1. Notwithstanding Section 18, and except as provided in paragraph 2,

- (i) there shall be provided and maintained in the "M-15" District and on the same lot or tract of land for industrial uses, not less than one loading space for each 1,848.0 square metres of gross floor area or part thereof; (85-89)
- (ii) no loading space for an industrial use shall be less than 15.2 metres in length and 3.6 metres in width or have a vertical clearance of less than 4.3 metres. (85-89)

2. No part of a front yard or a side yard that is less than 6.0 metres from an abutting street line or the boundary line of an abutting residential district shall be used as loading space.

PRESTIGE INDUSTRIAL (CONT'D)

17G. (2) (h) **Storage Requirements:**

1. No front yard shall be used for outside storage.
2. Every side yard or rear yard that is used for outside storage of any material or any equipment shall be completely screened from external view by a visual barrier not less than 1.5 metres in height and not more than 3.0 metres in height.
3. No part of a side yard or rear yard used for outside storage shall be situate less than 6.0 metres from an abutting street line or from the boundary of an abutting residential district.

(i) **Distance Requirement:**

1. Except for parking areas and access driveways accessory thereto, no industrial building or structure shall be erected and no industrial use and no outside storage other than automobile parking facilities shall be situate less than 90.0 metres from any building or structure on land used solely for residential purposes within the area shown on Schedule "J".

(3) Every sign shall comply with the following requirements, as the case may be:

1. No ground sign shall exceed 6.0 metres in vertical dimension.
2. No wall sign shall exceed 4.5 metres in vertical dimension.
3. No roof sign shall exceed 3.5 metres in vertical dimension.
4. The total aggregate area of all signs shall not exceed 0.5 square metres for every 0.5 metres of the street frontage on which the lot abuts.
5. Notwithstanding subclause 2(2)J(xxvi), no sign shall project into a required front yard or a required rear yard except,
 - (i) a wall sign, but not more than 0.5 metres projection into the yard. (92-246)
6.
 - (i) Notwithstanding subclauses 2.(2)J.(xb) and 2.(2)J.(xxvi), no ground sign shall be located less than 3.0m (9.84') from the nearest street line. (92-246)
 - (ii) Notwithstanding clause (i) above, no ground sign shall be located less than 6.0m (19.69') from the front lot line, for those lands having frontage either on Stone Church Road East or Nebo Road. (92-246)

TABLE 1 - RESIDENTIAL USES

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Hotel	X				
Motor Hotel	X				
Motel	X				
Camping Grounds and Travel Trailer Parks			X		

TABLE 2 - PUBLIC USES

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Federal Government Service	X	X			
Provincial Government Services	X	X			
Regional and Local Government Services	X	X			
International and Extra Territorial Government Services	X	X			
Library Services			X		
Museums and Archives			X		
Sports and Recreation Clubs and Services			X		
Botanical and Zoological Gardens			X		
Other Amusement and Recreation Services except agricultural fairs, fortune tellers, go kart tracks, horseback riding operations, riding schools, trainers - all types			X		
Business Associations	X	X	X		
Professional Membership Associations	X	X	X		
Labour Organizations	X	X	X		
Political Organizations	X	X	X		
Civic and Fraternal Organizations	X	X	X		
Animal Shelters			X		

TABLE 3 - INSTITUTIONAL USES

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Child Care and Nursery School Services	X	X	X	X	X

TABLE 4 - COMMERCIAL USES

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Project Management Construction		X	X	X	X
Other Services Incidental to Construction		X	X	X	X
Truck Transport Industries		X	X	X	X
Public Passenger Transit Systems Industries				X	X
Other Storage and Warehousing Industries with ancillary retail not be exceed 49% of the gross floor area of building		X	X	X	X
Telecommunication Broadcasting Industries		X	X	X	X
Postal and Courier Service Industries	X	X			
Wholesaling:					
Food, Beverage, Drug and Tobacco		X	X	X	X
Apparel and Dry Goods		X	X	X	X
Household Goods		X	X	X	X
Motor Vehicle Parts and Accessories except rebuilding, recapping, retreading or vulcanized tires		X	X	X	X
Hardware and Plumbing and Air Conditioning Equipment and Supplies		X	X	X	X
Lumber and Building Materials		X	X	X	X
Machinery, Equipment and Sales		X	X	X	X
Paper and Paper Products		X	X	X	X
Agricultural Supplies		X	X		
Toys, Amusement and Sporting Goods		X	X		
Photographic Equipment and Musical Instruments and Supplies		X	X		
Jewellery and Watches		X	X		
Industrial and Household Chemicals		X	X		
General Merchandise		X	X		
Books, Periodicals and Newspapers		X	X		
Second Hand Goods except automotive and machinery		X	X		

TABLE 4 - COMMERCIAL USES

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Retail Stores Selling:					
Food	X				
Liquor, Wine, Beer	X				
Prescription Drugs and Medicine	X				
Household Furniture, Appliances and Furnishings except furniture finishing and repair	X	X			
Furniture Refinishing and Repair	X	X	X		
General Merchandise	X				
Books and Stationery	X				
Hardware, Paint, Wallpaper and Glass	X	X			
Sporting Goods and Bicycles	X				
Musical Instruments and Records	X				
Camera and Photographic Supplies	X				
Toy, Hobby, Novelty and Souvenirs	X				
Other Retail Stores	X				
Gasoline Service Stations	X				
Recreation Vehicle Dealers	X	X			X
Automotive Parts and Accessories Store	X	X			
Motor Vehicle Repair Shops except paint and autobody repair shops	X				
Motor Vehicle Repair Shops including paint and autobody repair shops					X
Other Motor Vehicle Services	X				
Car Washes		X	X	X	X
Car Washes which may sell Gasoline	X				
Lawn and Garden Centres with a maximum of 25% of lot area to be used for outside storage and sales area	X	X			
Vending Machine Operators	X	X			
Direct Sellers	X	X			

TABLE 4 - COMMERCIAL USES

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Finance and Insurance Industries	X	X			
Real Estate Operators and Insurance Agent Industries	X	X			
Employment Agencies and Personnel Suppliers	X	X			
Computer and Related Services	X	X	X		
Accounting and Bookkeeping Services	X	X	X		
Advertising Services	X	X	X		
Architectural, Engineering and Other Scientific and Technical Services	X	X	X		
Offices for:					
Lawyers, Notaries	X	X			
Medical, Dental	X	X			
Health Practitioners	X	X			
Social Services Practitioners	X	X			
Management Consulting Services	X	X			
Other Business Services	X	X			
Post Secondary Non-University	X	X	X		
Medical and Health Laboratories	X	X	X		
Health and Social Service Associations and Agencies	X	X			
Food Services except caterers	X				
Outdoor Patio in conjunction with food services (restaurant) only	X				
Caterers including banquet facilities	X	X			
Motion Picture, Audio and Video Production and Distribution		X	X		
Regular Motion Picture Theatre			X		
Class H Adult Entertainment Parlour	X				
Bowling Alleys and Billiard Parlours			X		
Amusement Park and Carnival Circus			X		
Dance Halls, Studios and Schools			X		

TABLE 4 - COMMERCIAL USES

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Roller Skating Facilities			X		
Barber and Beauty Shops	X				
Laundries and Cleaners except distributors and/or agents for dry cleaners, self serve laundries and/or dry cleaners, and valet services, pressing and/or repairing				X	X
Distributors and/or Agents for Dry Cleaners	X				
Self Serve Laundries and/or Dry Cleaners	X				
Valet Services, Pressing and/or Repairing	X				
Other Personal Household Services	X	X			
Machinery and Equipment Rental and Leasing Services		X	X	X	X
Automobile Truck Rental and Leasing Services					X
Photographers	X	X			
Repair Services		X	X	X	X
Services to Buildings and Dwellings		X	X	X	X
Travel Services	X	X			
Veterinary Services			X		
Kennels			X		
Gun Shops (90-232)	X	X	X	X	X

TABLE 5 - INDUSTRIAL USES

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Fruit and Vegetable Industry				X	X
Dairy Products Industry				X	X
Bakery Products Industry				X	X
Sugar and Sugar Confectionery Industries except cane and sugar beet industry				X	X
Other Food Products Industries				X	X
Soft Drink Industry			X	X	X
Brewery, Distillery, Wine Industries				X	X
Rubber Products except tire and tube industries				X	X
Leather and Allied Products Industries except leather tanneries		X	X	X	X
Primary Textile Industries				X	X
Textile Products Industries except carpets, mats, rugs industry		X	X	X	X
Clothing Industries		X	X	X	X
Sash, Door and Other Millwork Industries				X	X
Wooden Box and Pallet Industries				X	X
Coffin and Casket Industries				X	X
Other Wood Industries except wood preservation industry				X	X
Furniture and Fixture Industries				X	X
Paper Box and Paper Bag Industries			X	X	X
Printing, Publishing and Allied Industries		X	X	X	X
Fabricated Metal Products Industries (except machinery and transportation equipment industries) - except power boiler and heat exchanger industry				X	X
Motor Vehicle Part and Accessories Industries except firewall and leaf spring manufacturing				X	X
Boat Building and Repair Industry				X	X
Small Electrical Appliance Industry			X	X	X
Major Appliance Industry			X	X	X

TABLE 5 - INDUSTRIAL USES

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Electrical Lighting Industries			X	X	X
Record Player, Radio, Television Receiver Industry			X	X	X
Communication and Other Electronic Equipment Industries			X	X	X
Office, Store and Business Machine Industries			X	X	X
Electrical Industrial Equipment Industries			X	X	X
Communications and Energy Wire and Cable Industries			X	X	X
Electrical Products Industries except battery industry			X	X	X
Clay Products Industries				X	X
Concrete Products Industries				X	X
Glass Products Industries except glass containers					X
Other Non-Metallic Products Industries except asbestos and gypsum products				X	X
Pharmaceutical and Medicinal Products Industry			X	X	X
Toilet Preparations Industry			X	X	X
Scientific and Professional Equipment Industries			X	X	X
Jewellery and Precious Metals Industries			X	X	X
Sporting Goods and Toy Industries			X	X	X
Sign and Display Industry			X	X	X
Manufactured Products Industries			X	X	X
Building, Developing and General Contracting Industries			X	X	X
Industrial and Heavy (Engineering) Construction Industries			X	X	X
Trade Contracting Industries					

SECTION EIGHTEEN - SUPPLEMENTARY REQUIREMENTS AND MODIFICATIONS

(SUPPLEMENTARY USE REQUIREMENTS)

18. (1) Notwithstanding the provisions of Sections 3 to 17 inclusive, no land, building or structure shall be used in the area covered by this By-Law for any commercial or industrial purpose likely to create danger to health or danger from fire or explosion and specified following, namely; (8556/59) (92-170)

PUBLIC USES

- (i) A public garbage dump;

COMMERCIAL USES

- (ii) A stock yard;
- (iii) The storage of celluloid, cellulose, pyroxylin, gasoline, fireworks, acetylene gas or other such highly inflammable or explosive substance, save in retail quantities or less, lawfully and properly kept in accordance with good practice;
- (iv) Storage of acid (including hydrogen cyanide), ammonia, or other such corrosive or highly toxic substance, save in retail quantities or less, lawfully and properly kept in accordance with good practice;
- (v) Garbage incineration or dumping on a commercial basis, the storage of raw hides or skins, or any other use that may be an offensive trade, business or manufacture within the meaning of The Public Health Act or regulations thereunder, or any other use which may be obnoxious by reason of the emission of odour, dust, gas, fumes, noise or vibration;

INDUSTRIAL USES

Animal Products

- (vi) An animal by-products plant, an abattoir or slaughter house for other than the killing of rabbits or poultry, a tannery, and any other use which may be an offensive manufacture within the meaning of The Public Health Act or regulations thereunder;

Iron and Steel and Their Products, and Manufactures of the Non-Ferrous Metals

- (vii) A primary metals plant, or any process for recovery or the smelting or reduction of scrap metal or waste metal products;

INDUSTRIAL USES (CONT'D)

Manufactures of the Non-Metallic Minerals

18. (1) (viii) The manufacture of cement, lime or plaster of paris;

Chemicals and Allied Products

- (ix) A distillation plant;
- (x) The manufacture of acetylene gas, propane gas or other highly inflammable or highly toxic or corrosive gas;
- (xi) The manufacture of celluloid, cellulose, fireworks, pyroxylin or other such highly inflammable or explosive substance;
- (xii) The manufacture of acids (including hydrogen cyanide), ammonia or other highly corrosive or highly toxic substance;
- (xiii) The manufacture of inorganic fertilizer;

MINING USES

- (xiv) A quarry;
 - (xv) An oil well, gas well or salt mine; or
 - (xvi) An iron mine or any other mine.
- (1a) (8556/59) Repealed (92-170)

HEIGHT REQUIREMENTS

Modifications

- (2) Notwithstanding the provisions of Section 3 to 17 inclusive,
- (i) A single family dwelling in any district in which the height of a building is limited to not more than two and a half storeys, may be increased in height to not more than three storeys, (9438/61)

Provided that each side yard is increased in width by at least 1.5 metres (4.92 feet), and each rear yard in depth by at least 3.0 metres (9.84 feet) beyond the ordinary requirements for the district; (9438/61)
 - (ii) (8770/59) (10380/64) (79-288) (80-049) (80-248)
Repealed.

HEIGHT REQUIREMENTS (CONT'D)

Modifications (Cont'd)

18. (2) (iia) Wherever such use is permitted, the height of a public hospital or a private hospital may be increased above the height permitted in the district, provided that for that part of the building or buildings which exceeds such a height each yard, as normally required for the district shall be increased in width or depth by 0.5 metres (1.64 feet) for each 1.0 metres (3.28 feet) that the height is so increased. (79-288) (8770/59) (80-049)
- (iii) No building or structure situate within the area of land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "E" and more particularly described in Schedule "F" hereto annexed, shall exceed eight storeys or 26.0 metres (85.30 feet) in height. (7535/55) (8394/58) (8436/58) (9141/60) (9748/62) (76-148) (79-288) (80-049)

SUPPLEMENTARY AREA REQUIREMENTS AND MODIFICATIONS

- (3) (i) **Yards for Lots where Street Line Curved.** Where a lot abuts upon a street line of such a curve that tangents drawn from the street extremities of the lot lines contain an angle of not more than one hundred and thirty-five degrees, the lot for the purpose of calculating yard requirements shall be deemed to be a corner lot, and the corner shall be deemed to be that point on the street line, which is nearest to the point of intersection of the said tangents; and in all other cases of irregular-shaped lots where the foregoing cannot apply, whether by reason of the greatness of the arc between the lot lines, or otherwise, yard requirements shall be determined as nearly as may be in accordance with the requirements for regular-shaped lots;
- (ii) **Through Lots.** In the case of a through lot wherever front yards are required, there shall be a front yard abutting upon each street, and, wherever a through lot has a depth of at least 53.0 metres (173.88 feet) there shall also be provided, in addition to any required side yard, additional open space upon the lot, of an area at least as great as the area of the rear yard which would be required for such lot if it were not a through lot, and, where a through lot is in a residential district, such additional open space shall be provided adjoining one face of the principal building or structure, or shall be equally divided between two of the faces of the same; (9255/61) (79-288) (80-049)
- (iii) Notwithstanding any provisions of this By-Law, where a building or structure is to be erected on an interior lot between two existing buildings or structures located not more than 30.0 metres from the proposed building or structure, such building or structure may be erected closer to the front lot line than required by the district in which the lot is situated, provided that, (79-288), (9438/61) (80-049) (80-216)

SUPPLEMENTARY AREA REQUIREMENTS AND MODIFICATIONS (CONT'D)

18. (3) (iii) (a) the minimum front yard shall be equal to the average depth of the two adjoining front yards, and (9438/61) (80-216)
- (b) the reduction of the minimum front yard as permitted by this provision shall not exceed thirty percent (30%) of the depth ordinarily required by the district provisions in which the lot is situate. (9438/61) (80-216)
- (iv) Repealed (83-66)
- (iva) Repealed (83-66)
- (ivb) Repealed (83-66)
- (ivc) **Additional Requirements for Automobile Service Stations and Other Public Garages on Land Adjoining Residential Districts.** Wherever an automobile service station or other public garage is established on any lot or tract of land adjoining a residential district, the following regulations shall be complied with: (8947/60) (9086/60) (9175/60) (81-97)
- (a) Every building and structure shall be distant at least 6.0 metres (19.69 feet) from the nearest boundary of a residential district, except gasoline pumps, pump islands, gas vents and retaining walls; (9175/60) (79-288) (8974/60) (80-049)
- (b) A planting strip at least 3.0 metres (9.84 feet) wide shall be provided and maintained along and within every side lot line and rear lot line adjoining a residential district, either within or without the residential district, and no parking or other use shall be permitted within the said 3.0 metres (9.84 feet) strip or within the residential district; (9175/60) (79-288) (8974/60) (9086/60) (80-049)
- (c) A visual barrier not less than 1.2 metres in height and not greater than 2.0 metres shall be erected and maintained along every such side lot line and rear lot line except that no visual barrier shall be situate less than 3.0 metres in distance from a front lot line (9175/60) (8974/60) (82-186)
- (d) Every lighting facility shall be so designed, installed and maintained as to ensure that the light is deflected away from any lands designated for residential purposes; (9086/60) (8974/60)
- (e) No sign or gasoline pump shall be located nearer to a street line than the minimum required for depth of front yard in any such adjacent residential district, nor shall any sign be located within 3.0 metres (9.84 feet) of any lands designated for residential purposes; (9175/60) (9086/60) (79-288) (8974/60) (80-049)

SUPPLEMENTARY AREA REQUIREMENTS AND MODIFICATIONS (CONT'D)

18. (3) (ivc) (f) The requirements of subclauses a, b, d, e of this clause do not apply, where the adjoining land in a residential district is used for commercial purposes. (9518/61) (9086/60) (79-288) (8974/60) (80-049) (83-66)
- (g) All open areas except areas required to be landscaped shall be paved with asphalt or concrete, and so graded or drained as to ensure that surface water will not escape to neighbouring lands. (8974/60) (79-288) (80-049) (83-66)
- (ivd) Wherever an automobile service station or other public garage and any car wash as defined in clause H of subsection 2 of Section 2 is established on any lot or tract of land adjoining a residential district, the regulations set forth in clause (ivc) shall be complied with. (72-224) (74-44) (76-40) (81-97)
- (ive) Wherever any car wash as defined in clause H of subsection 2 of Section 2 is established on any lot or tract of land adjoining a residential district, the following regulations shall be complied with:
- (a) subclauses (b), (c), (d), (f) of clause (ivc);
- (b) every building and structure shall be distant at least 6.0 metres (19.69 feet) from the nearest boundary of a residential district; (79-288) (80-049)
- (c) no sign or car wash operation shall be located nearer to a street line than the minimum required depth of front yard in any such adjacent residential district, nor shall any sign be located within 3.0 metres (9.84 feet) of any lands designated for residential purposes. (72-224) (74-44) (76-40) (79-288) (80-049) (81-97)
- (v) **Abatement of Yards, etc., for Lots of Record:** In the case of a lot of record without sufficient width, depth or area to meet the requirements of this By-Law, a single family dwelling may nevertheless be erected upon it, provided that each side yard has a width of at least ten per cent of the width of the lot, but in no case less than 0.9 metres (2.95 feet), and that the rear yard has a depth of at least twenty-five per cent of the depth of the lot, but in no case less than 3.0 metres (9.84 feet); (8174/58) (9140/60) (7634/55) (79-288) (80-049)
- (vi) **Encroachments on Yards:** Every part of a required yard shall be unobstructed from its lowest level upwards, except that
- (a) a chimney, sill, belt course, leader, pilaster, lintel or ornamental projection may project not more than 0.5 metres (1.64 feet) into a required side yard, and not more than 1.0 metre (3.28 feet) into any other required yard; (79-288) (80-049)

SUPPLEMENTARY AREA REQUIREMENTS AND MODIFICATIONS (CONT'D)

18. (3) (vi) (b) A canopy, cornice, eave or gutter may project, (8544/59) (8909/60) (81-308)
- (i) into a required front yard not more than 1.5 metre (4.92 feet) provided that no such projection shall be closer to a street line than 1.5 metres (4.92 feet); (8544/59) (8909/60) (79-288) (80-049)
 - (ii) into a required rear yard not more than 1.5 metre (4.92 feet); (8544/59) (8909/60) (79-288) (80-049)
 - (iii) into a required side yard not more than one-half of its width, or 1.0 metre (3.28 feet), whichever is the lesser; (8544/59) (8909/60) (9820/62) (79-288) (80-049)
- (bb) A fuel-oil-tank for fuel for the heating of a building or buildings on the premises may project into a required side-yard or rear yard, but shall not project to a distance of more than one-third of the required width of any such side yard or one-third of the required depth of any such rear yard, or to a distance of more than 1.0 metres (3.28 feet), whichever is the lesser distance. (8909/60) (79-288) (80-049)
- (c) An open fire escape or open stairway may project (8544/59)
- (i) into a required rear yard not more than 1.0 metre (3.28 feet); or (8544/59) (79-288) (80-049)
 - (ii) into a required side yard not more than one-third of its width, or 1.0 metre (3.28 feet), whichever is the lesser; (8544/59) (9688/62) (9747/62) (9748/62) (79-288) (80-049)
- (cc) A bay, balcony or dormer may project (8544/59)
- (i) into a required front yard not more than 1.0 metre (3.28 feet), provided that no such projection shall be closer to a street line than 1.5 metres (4.92 feet); (8544/59) (79-288) (80-049)
 - (ii) into a required rear yard not more than 1.0 metre (3.28 feet); or (8544/59) (79-288) (80-049)
 - (iii) into a required side yard not more than one-third of its width, or 1.0 metre (3.28 feet), whichever is the lesser, (8544/59) (9688/62) (9747/62) (9748/62) (79-288) (80-049)

SUPPLEMENTARY AREA REQUIREMENTS AND MODIFICATIONS (CONT'D)

18. (3) (vi) (ccc) A vestibule may project (8544/59)
- (i) into a required front yard not more than 1.2 metres (3.94 feet), provided that no such projection shall be closer to a street line than 1.5 metres (4.92 feet); (79-288) (80-049)
 - (ii) into a required rear yard not more than 1.2 metres (3.94 feet); or (79-288) (80-049)
 - (iii) into a required side yard not more than one-third of its width or 1.2 metres (3.94 feet), whichever is the lesser; (79-288) (80-049)
- Provided that the sum of the lengths of such projections shall not exceed one-third of the width of the front yard or rear yard nor one-third the length of the side yard into which they project, but no case shall exceed 3.0 metres (9.84 feet). (8544/59) (79-288) (80-049)
- (cccc) An alcove may project into a required side yard or rear yard not more than 0.6m and have a length of not more than 3.0m. (86-298)
- (d) A roofed-over or screened but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters, may project into a required front yard or rear yard to a distance of not more than 3.0 metres (9.84 feet), and every such projecting porch shall be distant at least 1.5 metres (4.92 feet) from the front lot line, and the enclosure of such a porch to the following extent shall not be deemed enclosure for the purpose of this Section: (79-190) (80-049)
- (i) the porch may have a solid guard around the perimeter of the porch not more than 1.0 metres (3.28 feet) in height measured from the floor of the porch; (79-190) (80-049)
 - (ii) the roof may be supported on columns or piers having maximum width of 0.5 metres (1.64 feet); (79-190) (80-049)
 - (iii) the beam, lintel or crown of an arch shall be no more than 0.3 metres (0.98 feet) in depth; (80-049)
 - (iv) the minimum distance between piers or columns shall be 1.0 metre (3.28 feet) and in the case of arches, the arches shall have a minimum clear width of 1.0 metre (3.28 feet). (70-190) (80-049)

SUPPLEMENTARY AREA REQUIREMENTS AND MODIFICATIONS (CONT'D)

18. (3) (vi) (dd) A carriage porch may project into a required front yard or side yard where the same abuts a street, but every such projecting carriage porch shall be distant at least 1.5 metres (4.92 feet) from the nearest street line. (10450/64) (79-288) (80-049)
- (ddd) A ramp for use by physically disabled persons may project into a required yard. (80-210)
- (e) A terrace, uncovered porch, platform or ornamental feature which does not extend more than 1.0 metre (3.28 feet) above the floor level of the first storey, may project into a required yard, if distant at least 0.5 metres (1.64 feet) from the nearest side lot line and at least 1.5 metres (4.92 feet) from the nearest street line; and (79-288) (80-049)
- (ee) A building or structure used for parking purposes in conjunction with a multiple dwelling may project into a required front, side or rear yard, providing such building or structure is not above curb level when such yard adjoins a street, or not above the ground elevation of any adjoining land of any required yard where it does not abut a street. (69/60)
- (eee) Where a wall sign is permitted that is approximately parallel to the wall of a building and has an area not more than 5.5 square metres, the sign may project into the required yard not more than 0.5 metres from the existing face of the building. (81-30)
- (f) Within the limits of a required yard in an industrial district, a hedge, fence or wall, may be erected and maintained to a height of not more than 3.0 metres (9.84 feet), and in all other districts, a hedge, fence or wall, may be erected or maintained to a height of not more than 2.0 metres (6.56 feet), but no such hedge, fence or wall shall be erected or maintained to a height of more than 0.8 metres (2.62 feet) within 9.0 metres (29.53 feet) of the intersection of two or more streets. (7252/54) (8069/57) (9438/61) (76-277) (77-269) (78-45) (79-288) (80-049)

Provided that the foregoing shall not be deemed to prohibit the erection of a fence to such height or other specifications as may be required for reasons of safety to be erected in or about or around any premises pursuant to any By-Law or pursuant to any lawful order of the Chief Fire Prevention Officer or Building Commissioner under any by-law of the City of Hamilton. (7252/54) (7814/56) (8069/57)

Notwithstanding the above, a fence may be temporarily erected or maintained in conjunction with a tent erected in accordance with Subsection 4.(2)(c), to a height of not more than 2.2m. (94-110)

SUPPLEMENTARY AREA REQUIREMENTS AND MODIFICATIONS (CONT'D)

18. (3) (vi) (g) In the case of a dwelling erected prior to the 25th day of July, 1940, and which at that time had a front verandah which extended for approximately the full width of the dwelling, such verandah may be enclosed as additional living space, provided that the enclosing construction does not extend beyond the limits of the verandah as it was on said date, and provided further that no step, stair or other construction projects into the front yard or either side yard, farther than it did on the 25th day of July, 1940; (6801/51)
- (h) In the case of semi-detached or attached dwellings having adjoining back-kitchens or other such adjoining additions at the rear wall thereof, the reconstruction of such additions adjoining each other as before shall not be deemed to be a breach of the side yard requirements of this By-Law. (7252/54)
- (j) In any commercial or industrial district in which a billboard is a permitted use, the billboard may project into the required side yard of a corner lot that abuts a flankage street. (7108/53) (9438/61) (81-30)
- (k) An existing building may encroach or further encroach for the purpose only of refacing the building into a required yard to a distance not exceeding 0.15 metres. (80-248)

SUPPLEMENTARY

ACCESSORY BUILDING REQUIREMENTS AND MODIFICATIONS

- (4) (i) **Part of Principal Building:** Any accessory building except a stable may be erected as part of the principal building, provided all height and area requirements of this By-Law are complied with;
- (ia) Subject to clauses (ib), (ic), (id), (ie) and (if) an above ground or inground swimming pool may be installed in a rear yard, side yard or front yard; (9639/62) (75-86)
- (ib) An above ground swimming pool installed in, (75-86)
- A. a rear yard shall be distant from the nearest lot line not less than 1.2 metres (3.94 feet); (79-288) (80-049)
- B. a front yard or side yard shall be distant from the nearest lot line at least the minimum distance required for a building or structure on the lot on which it is situate in accordance with the provisions applicable to the district; (75-86)

SUPPLEMENTARY

ACCESSORY BUILDING REQUIREMENTS
AND MODIFICATIONS (CONT'D)

18. (4) (ic) An inground swimming pool installed in,
- A. a rear yard shall be distant from the nearest lot line not less than 1.0 metres (3.28 feet); (79-288) (80-049)
 - B. a front yard or side yard shall be distant from the nearest lot line in accordance with subclause B of clause (ib). (75-86)
- (id) A swimming pool installed on a corner lot in the rear yard that is,
- A. an above ground swimming pool, shall be distant from the street line not less than the depth of the required front yard for a dwelling on the adjacent property; (75-86)
 - B. an inground swimming pool, shall be distant from the street line not less than the width of the side yard of the lot on which it is situate in accordance with the provisions applicable to the district. (75-86)
- (ie) Not more than 50% of the area of the rear yard shall be used for, an above ground swimming pool or combined accessory building coverage except for inground pools. (75-86)
- (if) All facilities for changing clothes in conjunction with swimming pools, or other such accessory uses shall be subject to the provisions of this By-Law applicable to accessory buildings. (75-86) (92-170)
- (ii) **Prior to Erection of Principal Building:** No accessory building shall be erected prior to the erection of the principal building on the same lot, except where it is necessary for the storage of tools and materials for use in connection with the construction of the principal building or structure, and no such accessory building shall, prior to the erection of the principal building, be used for any purpose other than such storage;
- (iii) **Restriction as to Height:** No accessory building shall exceed 4.0 metres (13.12 feet) in height, except one accessory to a farming use, and every such accessory building over 4.0 metres (13.12 feet) in height shall be at least 3.0 metres (9.84 feet) from the nearest lot line; (79-288) (80-049)
- (iv) **Restriction as to Location:** Save as hereinafter in this section otherwise provided, no accessory building shall be erected in a side yard, and every accessory building which is not part of the principal building shall be erected only in a rear yard, shall be distant at least 0.45 metres (1.48 feet) from the nearest lot line, and shall occupy not more than thirty per cent of the required rear yard. In a residential district no accessory building shall be erected

PERMITTED CHANGES OF NON-CONFORMING USES

18. (5) A non-conforming use in any district may be authorized to be changed to any other use which conforms more closely to the uses permitted in such district upon successful application to the Committee of Adjustment pursuant to the provisions made and provided in that behalf in The Planning Act. (6902/52) (92-170)

PARKING AND LOADING REQUIREMENTS

- (6) (i) Repealed by 8987/60
- (ii) **Loading Spaces:** In any district, whenever a building or structure is erected, converted or altered for, or its use converted to, an industrial use, loading space shall be provided and maintained on the same premises with every such building or structure in such a manner and to such an extent as to render unnecessary any obstruction of or interference with traffic upon any street or alley by reason of any loading or unloading operations, and, for every 1,848.0 square metres (19,892.36 square feet) or fraction thereof, of building floor area used for any such principal purpose aforesaid, in excess of 270.0 square metres (2,906.35 square feet) of such area, there shall be provided one loading space at least 3.0 metres (9.84 feet) wide, 7.5 metres (24.61 feet) long, and with a vertical clearance of at least 4.3 metres (14.11 feet); (79-288) (80-049) (83-66)
- (iii) Repealed (8039/57)
- (7) Blank

SPECIAL REQUIREMENTS FOR GROUPS OF TOWNHOUSE DWELLINGS, MAISONETTE DWELLINGS, MULTIPLE DWELLINGS, ETC.

- (8) Notwithstanding subsection 3 of Section 4 of this By-Law, a group of the following classes of dwellings in any combination with each other, (9016/60) (10765/65) (72-239) (74-117)
- (a) Townhouse Dwellings, and
- (b) Maisonette Dwellings, and
- (c) Multiple Dwellings,
- may be erected, altered, extended or enlarged on any lot or tract of land in a district in which such a use is permitted by this By-Law. (72-239) (74-117)
1. For multiple dwellings, the entire lot or tract of land shall be shown on a plan under By-Law No. 79-275 which shall indicate which street line is to be considered the front lot line in the case of a corner lot and which shall the location of all buildings and that the yards as required by the district provisions are provided around all boundaries of the lot or tract of land and that each

**SPECIAL REQUIREMENTS FOR GROUPS OF
ROW DWELLINGS, MULTIPLE DWELLINGS, ETC. (CONT'D)**

18. (8) (c) 1. building is distant from every other building by at least
(cont'd) $\frac{1}{2}$ of the height of the taller of the two buildings
provided that the same encroachments into the distance
separating buildings shall be permitted as are permitted
into a required side yard and provided further that the
same provisions with regard to parking spaces, manoeuvring
spaces and access driveways shall be observed in the
distance separating buildings as if that distance was a
rear yard. (9016/60) (10765/65) (76-277) (77-269)
(78-45) (74-117) (82-185)

DWELLINGS ON SCHOOL GROUNDS

- (9) In any residential district there may be erected and maintained on
the same lot, with a school, college, university, or seminary of
learning, single family dwellings or two family dwellings or both
provided that the same are used only as dwellings for members of
the staff, that each has a land area appurtenant thereto, of at
least 690.0 square metres (7,427.34 square feet), that each is
distant at least 9.0 metres (29.53 feet) from the nearest other
dwelling or other principal building, and at least 6.0 metres
(19.69 feet) from the nearest private road or driveway. (9817/62)
(10759/65) (79-288) (80-049)

SETBACK OF BUILDINGS

- (10) (i) Where a lot is adjacent to a street referred to in Schedule
"C", and (71-216) (78-37) (78-38)
- (a) there is a yard requirement, no required yard or
part thereof shall be nearer to the centre line of
the adjacent street than the distance set forth in
column 4 of Schedule "C", measured from the centre
line of the street to a line parallel to the centre
line of the street and on that side of the street to
which the lot is adjacent;
- (b) there is no yard requirement, no building or part
thereof shall be nearer to the centre line of the
adjacent street than the distance set forth in
column 4 of Schedule "C", measured from the centre
line of the street to a line parallel to the centre
line of the street and on that side of the street to
which the lot is adjacent;
- (ii) The distances referred to in clauses (a) and (b) shall be
measured on the streets referred to in column 1 and shall
apply to the streets or part of each street from location
A shown in column 2 to location B shown in column 3 in
Schedule "C".
- (iii) In this subsection "centre line" means the centre line of
the original road allowance of the streets referred to in
Schedule "C". (71-216) (78-37) (78-38)

SPECIAL REQUIREMENTS FOR OUTDOOR PATIOS

18. (11) Notwithstanding any of the provisions of the By-Law, every outdoor patio shall comply with the following, (86-223)

(a) Seating Capacity Requirements:

1. No outdoor patio shall provide for,
 - A. more than 50% of the seating accommodation permitted under The Liquor Licence Act to the restaurant or tavern with which the outdoor patio is associated, or
 - B. seating accommodation for more than 50 persons, whichever is the greater;

(b) Location Requirements:

1. Except as provided in paragraph 2, no outdoor patio shall be located where any lot line adjoins a residential district or is separated from a residential district by a lane or alley.
2. Where only the rear lot line adjoins a residential district or is separated from the residential district by a lane or alley, an outdoor patio shall not be prohibited in the front yard.
3. Where a lot adjoins a residential district or is separated from the residential district by a lane or alley, no outdoor patio shall be located above the elevation of the floor of the first storey of the principal building.

(c) Lighting Requirement:

1. All lighting for an outdoor patio shall be directed only towards and onto the area occupied by the outdoor patio and away from adjoining land, buildings and streets;

(d) Parking Requirement:

1. Notwithstanding Section 18A, no parking spaces or loading spaces shall be required for an outdoor patio;

(e) Land Use Requirement:

1. No part of the land on which the outdoor patio is situate shall be used as a place of entertainment for the purpose of providing entertainment or amusement including live or recorded music or dance facilities.

**SPECIAL REQUIREMENTS FOR ESTABLISHMENTS
SELLING/REPAIRING FIREARMS**

18. (12) Notwithstanding any other provision of this By-Law, the following provisions shall apply to every gun shop, (90-232) (90-354)
1. **Display**
No firearms shall be displayed in any shop or store window.
(90-232)
 2. **Location Requirement**
A radial separation distance of not less than 300 m. shall be provided from the lot line of the shop or store to the lot line of any school. (90-232)

SPECIAL REQUIREMENTS FOR SATELLITE DISHES

- (13) Notwithstanding any other provision of this By-Law, the following provisions shall apply to every satellite dish:
- (i) Except as provided in paragraph (ii), only one satellite dish shall be permitted on every lot in a residential district, and shall comply with the following:
 - (a) located only in a rear yard;
 - (b) set back a distance of not less than the diameter of the dish from every side and rear lot line;
 - (c) a height of not more than 4.5m including the support structure;
 - (ii) Satellite dishes shall be permitted and only be located on the roof of a multiple dwelling or the roof of a principle building in a non-residential district, and Section 2.(2)J.(ix) shall not apply to every such satellite dish.
(92-188)

SPECIAL REQUIREMENTS FOR FRONT YARD LANDSCAPING

- (14) Notwithstanding any other provisions of this By-Law, for any single family dwelling, two family dwelling or three family dwelling:
- (i) not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials;
 - (ii) for the purposes of clause 14.(i), the gross area of the front yard shall be calculated as the area between the front lot line and the front of the principle dwelling and the area extending from the side lot line to side lot line but subtracting:
 - (a) unenclosed entrance porches;
 - (b) vestibules;
 - (c) ramps;
 - (d) front steps;
 - (e) chimneys;
 - (f) bay windows;

SPECIAL REQUIREMENTS FOR FRONT YARD LANDSCAPING (CONT'D)

18. (14) (ii) (g) ornamental projections;
(cont'd) (h) terraces;
(i) platforms; and,
(j) a walkway between the front entrance of the principle building and the front lot line or driveway with a maximum width of 0.6m;
- (iii) Notwithstanding clause 14.(i), in cases where at least half of the front lot line is curved and the landscaped area of the front yard is less than 50%, the following exemptions for the calculation of the gross area of the front yard shall apply;
- (a) a driveway between the front entrance of the garage and the front lot line with a maximum width of:
- 1) 3.0m for each door of a one, two or three car garage; or,
 - 2) 5.5m for a double door of a two car garage; and,
- (b) a walkway between the front entrance of the principle dwelling and the front lot line or driveway with a maximum width of 0.6m,
- provided all the remaining area shall be landscaped excluding concrete, asphalt, gravel, pavers, or other similar materials.
(96-032)

SPECIAL REQUIREMENTS FOR THIRD PARTY/BILLBOARD SIGNS

- (15) Notwithstanding any other provisions in this By-Law, the following provisions shall apply to every third party/billboard sign:
- (1) Third party/billboard signs shall be ground signs or wall signs only;
 - (2) Third party/billboard signs shall be permitted only in: "G-1", "G-2", "H", "HH", "J", "JJ", "K" and "KK" Districts, subject to the following requirements:
 - (a) a maximum of one third party/billboard sign with up to two faces shall be permitted per property;
 - (b) third party/billboard signs shall be prohibited on the lands located within Area "A" shown on Schedule "I" to Zoning By-Law No. 6593;
 - (c) a minimum separation distance of 100m between each third party/billboard sign shall be provided and maintained;
 - (d) a third party/billboard sign shall be a minimum of 36m from a residential district;
 - (e) a third party/billboard sign shall have a maximum height of 7.6m;

SPECIAL REQUIREMENTS FOR THIRD PARTY/BILLBOARD SIGNS (CONT'D)

18. (15) (2) (f) a third party/billboard sign shall have a maximum sign area of 25 square metres per face; and,
- (g) no third party/billboard sign shall be illuminated unless the source of the light is steady and suitably shielded to contain the illumination. (96-092)

**SECTION EIGHTEEN A
PARKING AND LOADING REQUIREMENTS**

**(REQUIRED PARKING FOR RESIDENTIAL,
INSTITUTIONAL, PUBLIC AND COMMERCIAL USES) (83-66)**

- 18A. (1) Except as otherwise provided, for every building or structure and use identified in this Section, there shall be provided and maintained within each district on the same lot on which one or more buildings are erected, altered, extended or enlarged,
- (a) not less than the number of parking spaces at the ratio mentioned in column 2 for the corresponding use mentioned in paragraphs numbered 1, 2, 3 and 4 of column 1 of Table 1,

RESIDENTIAL VISITOR PARKING

- (b) not less than the number of parking spaces exclusively for visitors at the ratio mentioned in column 2 for the corresponding residential use mentioned in column 1 of Table 2, as already included in the minimum number of required parking spaces for residential uses mentioned in Table 1,

MINIMUM REQUIRED LOADING SPACE FOR MULTIPLE DWELLINGS

- (c) where a building is a multiple dwelling containing more than four dwelling units, a minimum number of loading spaces conveniently located for the building having the minimum dimensions mentioned in columns 2 and 3 for the corresponding number of dwelling units mentioned in column 1 of Table 3,

MINIMUM REQUIRED LOADING SPACE FOR COMMERCIAL USES

- (d) where a building, structure or land is used for commercial purposes and except as provided in clause (e), a minimum number of loading spaces having minimum dimensions mentioned in columns 2 and 3 for the corresponding floor area of the building mentioned in column 1 of Table 4, (Shall not apply to a public parking structure) (86-348)

MINIMUM REQUIRED LOADING SPACE FOR OFFICE USES

- (e) where a building, structure or land is used exclusively for office purposes, a minimum number of loading spaces having minimum dimensions mentioned in column 2 for the corresponding floor area of the building mentioned in column 1 of Table 5,

MINIMUM REQUIRED MANOEUVRING SPACE FOR PARKING AREAS

- (f) manoeuvring space abutting upon and accessory to each required parking space, having an aisle width mentioned in column 2 of Table 6 for each parking space having a parking angle mentioned in column 1,

MINIMUM REQUIRED MANOEUVRING SPACE FOR PARKING AREAS (CONT'D)

- 18A. (2) Where the total commercial floor area of all commercial buildings or structures comprised in an undertaking, work project or scheme exceeds 450.0 square metres, not more than one exemption shall be permitted from the total commercial floor area by deducting a maximum of 450.0 square metres from the total commercial floor area for the purpose of calculating the minimum number of parking spaces required to be provided under paragraph 4 of Table 1 of clause (a) of subsection 1.
- (3) Where the uses mentioned in paragraphs 2, 3, and 4 of Table 1 of clause (a) of subsection 1 are located in Areas "A" and "B" shown on Schedule "I", the minimum number of parking spaces mentioned in column 2 of Table 7 shall be provided and maintained for the corresponding Area mentioned in column 1.
- (4) Where required parking spaces are provided for schools in accordance with subparagraph (b) of paragraph 3 of Table 1, no additional parking space shall be required to be provided for a place of assembly or recreation centre accessory to the use of the premises for a school.
- (5) For the purpose of calculating the minimum number of,
- (a) required parking spaces; and
 - (b) required loading spaces,
- for commercial uses, "floor area" means the total floor area which is the sum of,
- (c) the area contained within the perimeter of the building at each floor level including storeys below grade, other than a cellar; and (92-170)
 - (d) the area contained in any mezzanine level.
- (6) Where calculations of the number of parking and loading spaces result in a fractional number of parking or loading spaces, the next higher number shall be taken.
- (7) Every required parking space, other than a parallel parking space, shall have dimensions not less than 2.7 metres wide and 6.0 metres long.
- (7a) Notwithstanding Subsection (7), for a single family dwelling where more than one parking space is provided in an attached garage, then an open stairway may project into the length of the required parking space not more than 0.75 metres provided that the height of the stairway does not exceed 0.5 metres. (97-112)
- (7b) Where a dwelling is constructed with an attached garage, then the finished level of the garage floor shall be a minimum of 0.3 metres above grade. (97-112)
- (8) Every parallel parking space shall have dimensions not less than 2.5 metres wide and 6.7 metres long.
- (9) Required parking space, loading space and manoeuvring space shall be provided and maintained only on the lot on which the principle use, building or structure is located.

MINIMUM REQUIRED MANOEUVRING SPACE FOR PARKING AREAS (CONT'D)

- 18A. (10) Sufficient space additional to required parking space shall be provided and maintained on the same lot on which the parking space is located, in such a manner as to enable each and every parking space to be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking or loading space. (97-112)
- (11) The boundary of every parking area and loading space on a lot containing five or more parking spaces located on the surface of a lot adjoining a residential district shall be fixed,
- (a) not less than 1.5 metres from the adjoining residential district boundary; and
 - (b) not closer to the street line than the minimum depth of the front yard required to be provided in the adjoining residential district for that portion of the parking area within 3.0 metres of a residential district.
- (12) For every parking area and loading space referred to in subsection 11, there shall be provided and maintained,
- (a) between the boundary of the parking area and the residential district, an area landscaped with a planting strip; and
 - (b) between the boundary of the loading area and the residential district, an area landscaped with a planting strip; and
 - (c) a visual barrier along the boundary of the lot abutting the residential district not less than 1.2 metres in height and not greater than 2.0 metres in height.
- (13) Where illumination is provided for a parking area or loading space the illumination shall be directed towards or on the lot on which the parking area is located and away from,
- (a) any adjacent use;
 - (b) any highway.
- (14) (Deleted by 92-281)
- (14a) Except for single family dwellings, two family dwellings and three family dwellings erected prior to the 14th day of December 1971, no part of a required parking space for a single family dwelling, two family dwelling or three family dwelling in a residential district shall be located in a required front yard and not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials. (92-281) (93-063) (94-145)
- (14b) For single family dwellings, two family dwellings and three family dwellings erected prior to the 14th day of December 1971, parking may be provided and maintained in the front yard provided that:
- (i) the area for parking shall not occupy more than 50% of the gross area of the front yard; and, (92-281) (93-063)
 - (ii) not less than 50% of the gross area of the front yard shall be used for a landscaped area, excluding concrete, asphalt, gravel, pavers or other similar materials. (92-281)

MINIMUM REQUIRED MANOEUVRING SPACE FOR PARKING AREAS (CONT'D)

- 18A. (14c) Where a single family dwelling, two family dwelling or three family dwelling in a residential district is located on a corner lot, parking may be permitted in the side yard that abuts the street line provided that:
- (i) the area for parking shall not occupy more than 50% of the gross area of the side yard; and,
 - (ii) not less than 50% of the gross area of the side yard shall be used for a landscaped area, excluding concrete, asphalt, gravel, pavers or other similar materials. (94-145)
- (14d) For the purposes of clauses (14a), (14b) and (14h), the gross area of the front yard shall be calculated as the area between the front lot line and the front of the principle dwelling and the area extending from the side lot line to side lot line but subtracting:
- (i) unenclosed entrance porches;
 - (ii) vestibules;
 - (iii) ramps;
 - (iv) front steps;
 - (v) chimneys;
 - (vi) bay windows;
 - (vii) ornamental projections;
 - (viii) terraces;
 - (ix) platforms; and,
 - (x) a walkway between the front entrance of the principle dwelling and the front lot line or driveway with a maximum width of 0.6m. (94-145) (97-112)
- (14e) For purposes of clause (14c), the gross area of the side yard shall be calculated as the area between the side lot line and a principle dwelling and the area extending from the front yard to the rear yard subtracting:
- (i) unenclosed entrance porches;
 - (ii) vestibules;
 - (iii) ramps;
 - (iv) side steps;
 - (v) chimneys;
 - (vi) bay windows;
 - (vii) ornamental projections;
 - (viii) terraces;
 - (ix) platforms;
 - (x) alcoves;
 - (xi) stairwells; and,
 - (xii) a walkway located in the side yard between the area extending from the front yard to the rear yard of the principle dwelling with a maximum width of 0.6m. (94-145)
- (14f) Notwithstanding clauses (14a), (14b) and (14h), in cases where at least half the front lot line is curved and the landscaped area of the front yard is less than 50%, the following exemptions for the calculation of the gross area of the front yard shall apply:
- (i) a driveway between the front entrance of the garage and the front lot line with maximum width of:
 - 1) 3.0m for each door of a one, two or three car garage; or,
 - 2) 5.5m for a double door of a two car garage; and,

MINIMUM REQUIRED MANOEUVRING SPACE FOR PARKING AREAS (CONT'D)

- 18A. (14f) (ii) a walkway between the front entrance of the principle dwelling and the front lot line or driveway with a maximum width of 0.6m,

provided all the remaining area shall be landscaped excluding concrete, asphalt, gravel, pavers or other similar materials. (94-145) (97-112)

- (14g) Except as provided for in clauses (14a), (14b) and (14h), no part of the required parking area in a residential district shall be located in a required front yard. (94-145) (97-112)

- (14h) For the purpose of a single family dwelling, the following shall apply:

(i) only one of the required parking spaces may be located in the front yard, and

(ii) notwithstanding Subsection 10, only the accessibility to one of the required parking spaces may be obstructed by any other required parking spaces. (97-112)

- (15) The following vehicles shall not be parked in a residential district:

1. A vehicle for which the permit fee under The Highway Traffic Act is based on the weight of the vehicle and load, in excess of 4.0 tonnes; or

2. A vehicle which exceeds 6.5 metres in length; or

3. A vehicle which is equipped with dual wheels or tandem axles; or

4. A vehicle which is a tow truck; or

5. A vehicle which is a bus; or

6. A vehicle which is a bus converted into a mobile home; or

7. A vehicle which is a bus used for commercial purposes.

- (16) Each required visitor parking space shall,

(a) be maintained for the exclusive use of visitors; and

(b) have a sign appurtenant thereto legibly marked that the parking space is for the exclusive use of visitors; and

(c) be maintained readily accessible to visitors and free and clear of all obstructions.

- (17) Except as provided in subsections 18, 19 and 20, where more than one use is made of land, or a building, or a structure, there shall be provided and maintained a total number of,

(a) parking spaces, equal to the aggregate number of parking spaces required to be provided for each use;

(b) loading spaces, equal to the aggregate number of loading spaces required to be provided for each use.

MINIMUM REQUIRED MANOEUVRING SPACE FOR PARKING AREAS (CONT'D)

- 18A. (18) Where more than one use is made of a building constructed as a shopping centre, there shall be provided and maintained a total number of parking spaces not less than the number of parking spaces calculated on the total floor area of the shopping centre without deduction of any amount of parking spaces for each individual use.
- (19) Where office space is provided in conjunction with retail commercial uses and the total floor area of such uses exceeds 9,300 square metres, parking for the office use shall be provided and maintained only for that portion of the office floor area that exceeds 20% of the total floor area of the retail commercial uses.
- (20) Where a building or structure is comprised of a joint residential use and a commercial use,
- (a) the aggregate of the required residential and commercial parking spaces may be reduced by not more than 20% of either the required residential parking spaces or the required commercial parking spaces whichever is the lesser only if,
 - (i) the number of parking spaces equal to the amount of the reduction are accessible to both the residential and commercial uses at all times; and,
 - (ii) not less than 80% of the parking spaces accessory to the residential uses are fully and completely separated from parking spaces accessory to the commercial uses; and,
 - (b) the number of the required loading spaces for the commercial uses may be reduced by 50% of the required number of loading spaces for the residential uses.
- (21) All required parking spaces and manoeuvring spaces shall have access by means of one or more access driveways,
- (a) located on the lot; or
 - (b) located partly on the lot in the case of a mutual driveway; or
 - (c) by means of a right of way. (84-45)
- (22) All manoeuvring spaces shall be maintained free and clear of all obstructions to permit unobstructed access to and egress from required parking spaces.
- (23) Every access driveway shall provide easy access from a highway to the parking area to which the access driveway is accessory.
- (24) Every parking area for a use where,
- (a) there are five or less parking spaces shall have not less than one access driveway or one mutual driveway, having a width of at least 2.8 metres;
 - (b) there are more than five parking spaces shall have,
 - (i) not less than one access driveway or mutual access driveway, having a width of at least 5.5 metres; or

MINIMUM REQUIRED MANOEUVRING SPACE FOR PARKING AREAS (CONT'D)

- 18A. (24) (b) (ii) a separate ingress driveway and a separate egress driveway, each having a width of at least 3.0 metres and each operated in a one way but opposite direction to each other and so designed that vehicles shall not back out onto an adjoining highway.
- (iii) markings on the surface of the parking area delineating the separate parking spaces; and
- (iv) bumpers or wheel barriers to prevent physical encroachment beyond the parking area except at the entrance to and exit from the parking area.
- (25) Where a townhouse dwelling, maisonette dwelling or multiple dwelling is adjacent to a residential district that does not permit such uses, every access driveway to the townhouse dwelling, maisonette dwelling or multiple dwelling shall be located not less than 3.0 metres from the common boundary between the district in which the townhouse dwelling, maisonette dwelling or multiple dwelling is located and the district that does not permit such uses.
- (26) Where a use other than a residential use is adjacent to a residential district, every access driveway providing access to or egress from or both access to and egress from the non-residential use shall be located not less than 3.0 metres from the common boundary with the residential district.
- (27) No land in any residential district shall be used for the purpose of vehicular access to or egress from any land in a commercial district or industrial district.
- (28) No land in a residential district in which a multiple dwelling is not permitted shall be used for the purpose of vehicular access to or egress from any land used for a multiple dwelling.
- (29) Where a parking space for a townhouse dwelling or maisonette dwelling is covered and attached to or enclosed within the dwelling unit, the entrance to the parking space shall be located not less than 6.0 metres from the entrance to the individual driveway.
- (30) Except as provided in subsection 31, a permanent durable and dustless surface that is graded, drained, and paved with concrete or asphalt or a combination of concrete and asphalt shall be provided and maintained for every parking area, manoeuvring space, loading space and access driveway.
- (31) A gravel or similar surface or other suitable paving shall be provided and maintained for every parking space and access driveway accessory to a single family dwelling, a two family dwelling, and to street townhouse dwellings each having separate access driveways.
- (32) Sufficient space additional to required loading space shall be provided and maintained on the same lot on which the loading space is located, in such a manner as to enable each and every loading space to be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking or loading space. (97-112)
- (33) Every loading space shall be provided and maintained to permit commercial motor vehicles to move readily and without hindrance between the loading space and an access driveway.

MINIMUM REQUIRED MANOEUVRING SPACE FOR PARKING AREAS (CONT'D)

- 18A. (34) Wherever a lot is partly in a residential district and partly in a district or districts other than a residential district, parking spaces for any use permitted in residential districts and being in the residential district may be provided in any such adjoining district.
- (35) Wherever a lot is partly in a commercial district and partly in an industrial district, parking spaces for any use permitted in commercial districts and being in the commercial district may be provided in any such industrial district.
- (36) Notwithstanding any other provisions of this By-Law, the following shall apply to restaurants in the "H" District: (78-184) (83-66)
1. There shall be provided and maintained accessory to a restaurant in an "H" District, (78-184) (83-66)
 - (a) a parking area containing parking space at the rate of one space for every six persons who may be lawfully accommodated except that,
 - (i) no parking space shall be required within the area more particularly described as area "A" shown on Schedule "I"; (83-66)
 - (ii) parking space at the rate of one space for every twelve persons who may be lawfully accommodated shall be provided and maintained within the area more particularly described as area "B" shown on Schedule "I"; (78-184) (83-66)
 - (b) a distance of not less than 12.0 metres (39.37 feet) between a residential district and the driveway and the parking area and manoeuvring area used in conjunction with a restaurant; (78-184) (80-049) (83-66) (92-170)
 - (c) a landscaped area for the parking area referred to in clause (a) of not less than 1.5 metres (4.92 feet) in width along and within every side lot line and front lot line that abuts a highway and any public right-of-way. (78-184) (80-049) (83-66)
 2. No points of ingress or egress at the lot line, to or from the lot on which a restaurant is located shall be situate closer than 30.0 metres (98.43 feet) to a residential district boundary. (78-184) (80-049) (83-66)
- (37) Clause (b) of paragraph 1 of subsection 36 of this section and paragraph 2 of the said subsection 36 shall not apply to the land situate within areas "A" and "B" shown on Schedule "I". (80-029) (83-66)
- (38) Notwithstanding any other provision in this By-Law, the following shall apply to day nurseries: (90-248)
1. There shall be provided and maintained accessory to the day nursery,
 - (a) a parking area containing parking space at the rate of one space for every six children who may be lawfully accommodated except that,

MINIMUM REQUIRED MANOEUVRING SPACE FOR PARKING AREAS (CONT'D)

- 18A. (38) 1. (a) (i) notwithstanding subsection 14, the required area for parking, manoeuvring and access in respect of the day nursery use within a residential district shall not occupy more than 50% of the gross area of the front yard, and
- (ii) not less than 50% of the gross area of the front yard shall be landscaped, and
- (iii) the provisions of subsections 18A(9), (10) and (22) shall not apply, but only in respect of manoeuvring space requirements.
- (39) Subsection 38 shall not apply to a day nursery existing on the date of the passing of By-Law No. 90-248 and alteration extension or enlargement thereof. (90-248)
- (40) Every public parking lot shall be subject to the provisions of Section 13C. (93-261)
- (41) The provisions of Subsection 18A.(1) shall not apply to temporary accessory business uses established within a tent in accordance with Subsection 4.(2)(c). Furthermore, notwithstanding Subsection 18A.(1), the number of required parking spaces may be temporarily reduced on any lot, to provide for a tent for temporary business uses established in accordance with Subsection 4.(2)(c). (94-110)
- (42) Except for residential care facilities and short term care facilities, where residential uses mentioned in paragraph 1 of Table 1 and Table 3 are located in the area shown on Schedule "K", no parking and loading will be required for residential uses established with the period between November 1, 1996 and September 1, 1999. (97-015)

TABLE 1 - MINIMUM REQUIRED PARKING FOR,
RESIDENTIAL, INSTITUTIONAL, PUBLIC AND COMMERCIAL USES

TABLE 1

<u>Class of Use</u> <u>(Column 1)</u>	<u>Minimum Number of Required</u> <u>Parking Spaces</u> <u>(Column 2)</u>
1. Residential Uses	
(a) Single family dwelling;	(a) 2 parking spaces for each Class A dwelling unit, for the first 8 habitable rooms in the dwelling unit plus 0.5 parking space for each additional habitable room; (97-112)
(b) Two family dwelling;	(b) 1 space per Class A dwelling unit;
(c) Three family dwelling;	(c) 1.33 spaces per Class A dwelling unit;
(d) Townhouse dwelling, Maisonette dwelling, Maisonette dwelling;	(d) 1.5 spaces per Class A dwelling unit;
(e) Street Townhouse dwelling;	(e) 1 space per Class A dwelling unit;
(f) Townhouse dwelling, Maisonette dwelling with garage parking space enclosed or attached to each dwelling unit;	(f) 1.3 spaces per dwelling unit of which 1 space shall be covered and attached to or enclosed within each dwelling unit;
(g) Multiple dwelling;	(g) 1.25 spaces per Class A dwelling unit except as follows: (i) 0.8 of a space per Class A dwelling unit within area "A", shown on Schedule "H"; (ii) 1 space per Class A dwelling unit within area "B", shown on Schedule "H";
(h) Student Residence not located on a campus, containing separate dwelling units for each student;	(h) 1 space per Class A dwelling unit;
(i) Housekeeping dwelling unit;	(i) 1 space per dwelling unit;
(j) Lodging House, Hostel, Tourist Home; (92-170)	(j) 1 space per 2 persons who may be lawfully accommodated;
(k) Home for Elderly Persons;	(k) (i) 0.3 of a space per dwelling unit for 100 Class A dwelling units or less, and an additional; (ii) 0.25 of a space per dwelling unit for each dwelling unit in excess of 100 Class A dwelling units;

TABLE 1 (CONT'D)

<u>Class of Use</u> (Column 1)	<u>Minimum Number of Required Parking Spaces</u> (Column 2)
1. <u>Residential Uses (Cont'd)</u>	
(l) Residential Care Facility, Short-Term Care Facility;	(l) 1 space per 3 persons who may be lawfully accommodated;
(m) Hotel, Motel, Motor Hotel, Motor Court.	(m) 1 space per guest room or unit except as follows: (i) 0 spaces within Area "A" shown on Schedule "I".
2. <u>Institutional Uses</u>	
(a) Children's Residence;	(a) 1 space per 6 persons who may be lawfully accommodated;
(b) Nursing Home, Home for the Aged;	(b) 1 space per 3 patient beds;
(c) Day Nursery.	(c) 1 space per 6 children who may be lawfully accommodated (90-248).
3. <u>Public Uses</u>	
(a) Art Gallery, Museum, Observatory, Library, Church;	(a) Nil;
(b) School;	
(i) Elementary;	(b) (i) 1.25 spaces per classroom;
(ii) Secondary;	(ii) 1.8 spaces per classroom;
(iii) Secondary - Grade 13 only;	(iii) 2.5 spaces per classroom;
(iv) University, College, Commercial, Technical;	(iv) 6 spaces per classroom;
(c) Place of Assembly, Private Club, Lodge, Fraternity House, Sorority House, Labour Union Hall;	(c) 1 space per 6 persons who may be lawfully accommodated;
(d) _Public Offices;	(d) 1 space per 31.0 square metres of floor area in excess of 450.0 square metres;

TABLE 1 (CONT'D)

Class of Use (Column 1)	Minimum Number of Required Parking Spaces (Column 2)
4. <u>Commercial Uses</u>	
(a) Medical Office, including Doctor, Dentist, Osteopath, Drugless Practitioner;	(a) 1 space per 19.0 square metres of floor area;
(b) Funeral Home;	(b) 1 space per 23.0 square metres of floor area;
(c) General Office, Medical Laboratory;	(c) 1 space per 31.0 square metres of floor area in excess of 450.0 square metres;
(d) Banks and Other Similar Financial Institutions;	(d) 1 space per 31.0 square metres of floor area;
(e) Bowling Alley;	(e) 3 spaces per lane;
(f) Tavern, Public House, Beverage Room, Restaurant, Theatre, Cinema and any place of assembly for commercial use;	(f) 1 space per 6 persons who may be lawfully accommodated;
(g) Warehouse;	(g) 1 space per 115.0 square metres of floor area;
(i) Sales establishment, leasing establishment, service shop, retail store, shopping centre and any other commercial use not otherwise mentioned in paragraph number 4 of column 1 of Table 1.	(i) 1 space for every 31.0 square metres of floor area for that portion of the floor area between 450.0 square metres up to and including 3,700 square metres and additional; (i) 1 space for every 17.0 square metres of floor area for that portion of the floor area between 3,700 square metres up to and including 12,800 square metres and an additional, (ii) 1 space for every 20.0 square metres of floor area for that portion of the floor area in excess of 12,800 square metres.

TABLE 2 - MINIMUM REQUIRED RESIDENTIAL VISITOR PARKING

TABLE 2

Class of Residential Use (Column 1)		Minimum Number of Required Visitor Parking Spaces (Column 2)
1.	Multiple dwellings within area "A", shown on Schedule "H".	0.16 of a space per Class A dwelling unit.
2.	Multiple dwellings within area "B", shown on Schedule "H".	0.20 of a space per Class A dwelling unit.
3.	Multiple dwellings not in areas referred to in paragraphs 1 and 2.	0.25 of a space per Class A dwelling unit.
4.	Home for Elderly Persons containing:	
	(a) 100 dwelling units or less;	(a) 0.12 of a space per Class A dwelling unit;
	(b) more than 100 dwelling units.	(b) an additional 0.09 of a space for each Class A dwelling unit in excess of 100 dwelling units.
5.	Townhouse dwelling, Maisonette dwelling.	0.30 of a space per Class A dwelling unit.
6.	Three family dwelling.	0.33 of a space per Class A dwelling unit.

TABLE 3 - MINIMUM REQUIRED LOADING SPACE - MULTIPLE DWELLINGS

TABLE 3

Number of Dwelling Units (Column 1)		Minimum Number of Required Loading Spaces	
		Minimum Size: Length: 9.0m Width: 3.7m Height: 4.3m (Column 2)	Minimum Size: Length: 18.0m Width: 3.7m Height: 4.3m (Column 3)
1.	5 to 30.	1	Nil
2.	Greater than 30 to 100.	Nil	1
3.	Greater than 100.	1	1

TABLE 4 - MINIMUM REQUIRED LOADING SPACE FOR COMMERCIAL USES

TABLE 4

Floor Area of Building Square Metres		Minimum Number of Required Loading Spaces	
		Minimum Size: Length: 9.0m Width: 3.7m Height: 4.3m (Column 2)	Minimum Size: Length: 18.0m Width: 3.7m Height: 4.3m (Column 3)
(Column 1)			
1.	0 to 450.	0	0
2.	Greater than 450 to 900.	1	0
3.	Greater than 900 to 1,850.	0	1
4.	Greater than 1,850 to 7,400.	0	2
5.	Greater than 7,400 to 13,000.	0	3
6.	Each additional 7,400 or part thereof over 13,000.	0	1

TABLE 5 - MINIMUM REQUIRED LOADING SPACE FOR OFFICE USES

TABLE 5

Floor Area of Building Square Metres		Minimum Number of Required Loading Spaces	
		Minimum Size: Length: 9.0m Width: 3.7m Height: 4.3m (Column 2)	
(Column 1)			
1.	0 to 450.	0	
2.	Greater than 450 to 1,850.	1	
3.	Greater than 1,850 to 7,400.	2	
4.	Greater than 7,400 to 13,000.	3	
5.	Each additional 7,400 or part thereof over 13,000.	1	

TABLE 6 - MINIMUM REQUIRED MANOEUVRING SPACE FOR PARKING AREAS

TABLE 6

Parking Angle Degrees (Column 1)	Required Manoeuvring Space Aisle Width Metres (Column 2)
0	3.7
15	3.7
30	3.7
45	4.5
60	5.5
75	6.0
90	6.0

TABLE 7 - REDUCED PARKING REGULATIONS FOR
INSTITUTIONAL, PUBLIC AND COMMERCIAL USES

TABLE 7

Area Shown on Schedule "I" (Column 1)	Minimum Number of Required Parking Spaces (Column 2)
"A"	0
"B"	50% of number of parking spaces required by paragraph 2, 3 and 4 of Table 1.

**THIS DEFINITION TO BE USED ONLY IN CONJUNCTION
WITH ONTARIO REGULATION 384/94.**

As Ontario Regulation 384/94 frequently refers to a "residential unit", the definition for same from the Planning Act, R.S.O. 1990, c. P.13 is reproduced below.

"residential unit" means a unit that,

- (a) consists of a self-contained set of rooms located in a building or structure,
- (b) is used or intended for use as a residential premises,
- (c) contains kitchen and bathroom facilities that are intended for the use only of the unit, and
- (d) has a means of egress to the outside of the building or structure in which it is located, which may be a means of egress through another residential unit.

**THE ABOVE DEFINITION DOES NOT FORM A PART OF
ZONING BY-LAW NO. 6593 AND HAS BEEN REPRODUCED
FOR CONVENIENCE PURPOSES ONLY. PLEASE REFER TO
THE ORIGINAL ACT FOR ACCURACY.**

Ontario Regulation 384/94
made under the
PLANNING ACT

APARTMENTS IN HOUSES

Definitions

1. (1) In this Regulation,

"building" means an enclosed structure permanently erected at one location, the various components of which are linked, at least above grade;

"grade", in respect of a house, means the average elevation of the ground adjacent to the exterior walls on any side of the house;

"installation of a second residential unit", with respect to a house, means the creation of a second residential unit in the house regardless of whether the physical alteration of a house containing one residential unit is required to create two residential units, and includes associated alterations to the property on which the house is located.

"planning document" means,

- (a) an approved official plan,
- (b) a by-law passed under section 31 or 34 or subsection 38 (1) or section 41 of the Act, or
- (c) an order issued under section 47 (1) of the Act;

(2) This regulation applies in respect of detached houses, semi-detached houses and rowhouses.

Classes Of Houses

2. (1) Subject to subsection (2), Clause 16 (2) (a), subsection 31 (3.1) and clause 35 (1) (a) of the Act apply to the following classes of houses:
 1. A detached house, if it occupies the whole of a building.
 2. A semi-detached house if,
 - (i) it occupies part of a building, where the remainder of the building is occupied by another semi-detached house and the two houses are divided on the vertical plane in such a manner that there is no internal access from one semi-detached house to the other, and
 - (ii) it has not been created through the alteration of a detached house.
 3. A rowhouse if,
 - (i) it occupies part of a building, where the remainder of the building is occupied by two or more rowhouses and the rowhouses are divided on the vertical plane in such a manner that there is no internal access from one to any other, and
 - (ii) it has not been created through the alteration of a detached or semi-detached house.
- (2) A house belongs to one of the classes set out in subsection (1) only if,
 - (a) it consists of space currently used for, or intended for use for, primarily residential purposes;
 - (b) it contains one or two residential units;
 - (c) it is not ancillary to any other house or use; and
 - (d) it is located in a zone that permits residential use other than as an ancillary use.

Installation and Renovation of Second Units

6. (1) For the purposes of this section, "building envelope" in respect of a building means the three dimensional area within which the building may be erected, located or used as determined by the application of standards in planning documents.
- (2) No planning document shall prohibit,
- (a) exterior alterations required for the installation of a second residential unit in a house; or
 - (b) the alteration of a house containing two residential units, unless, as a result of those alterations, the house would contravene standards in the planning documents which relate to the building envelope of the house.
- (3) Despite subsection (2), a planning document may,
- (a) restrict exterior alterations to the front facade of a house or any other facade that faces a public road that abuts the frontage, as identified in a planning document, of the property relating to the house; and
 - (b) regulate the minimum distance between a window in a house and any other window which it faces.
- (4) Subject to subsection (7), no planning document shall prohibit the installation of a second residential unit in a house on the basis that the house, but for subsection 34 (9) of the Act, would contravene a standard in the planning document.
- (5) Subject to subsection (7), no planning document shall prohibit the continuing use or the renovation of a house described in paragraph 2 of subsection 2 (1) on the basis that,
- (a) the house was originally built to include two residential units and the house, but for subsection 34 (9) of the Act, would contravene a standard in the planning document; or
 - (b) the installation of a second residential unit was undertaken in compliance with the planning documents then in effect, but the resulting house containing two residential units, but for subsection 34 (9) of the Act, would contravene a standard in the planning document.

ONTARIO REGULATION 384/94

- (6) Subject to subsection (7), no planning document shall prohibit the installation of a second residential unit in a house on the basis that an alteration to the interior of a house would result in a contravention of or would extend or enlarge an existing contravention of standards in a planning document which have the effect of regulating,
- (a) the permitted number or location of floors in the house used or capable of being used for human habitation;
 - (b) the relationship between the area of a house which can be used for human habitation and the area of the property on which the house is located; or
 - (c) the maximum area of a house which can be used for human habitation.
- (7) Subsections (4), (5) and (6) only apply,
- (a) where there is no exterior change to the house;
 - (b) where, as a result of an exterior change, the house does not contravene any standard in the planning documents related to the building envelope of the house; or
 - (c) if, but for subsection 34 (9) of the Act, the house would contravene standards in the planning documents related to the building envelope of the house, where no exterior change to the house will create a greater contravention of any of those standards.

Size of Units in Houses with two Units

7. (1) In this section, "habitable floor area", in respect of a residential unit, means its floor area measured from the inside walls of the unit, but does not include,
- (a) unfinished areas below grade,
 - (b) areas occupied by furnaces, hot water heaters and laundry equipment,

- (c) rooms, other than rooms used for sanitary or cooking purposes, that have no natural lighting, and
 - (d) areas which cannot be heated to municipal standards or, in the absence of municipal standards, to the standards in the regulations under the *Rent Control Act*.
- (2) No planning document shall require that a residential unit in a house containing two residential units exceed the habitable floor area requirements set out in the following Table:

TABLE
MAXIMUM/MINIMUM UNIT AREA REQUIREMENTS

Residential unit type	Maximum required habitable floor area
Studio (bachelor)	25 m. sq.
1 bedroom	32 m. sq.
2 or more bedrooms	32 m. sq. as required for a one bedroom unit plus 9 m. sq. for each additional bedroom.

- (3) In the case of a house containing two residential units, no planning document shall regulate the relationship between the size of the two residential units.

Size of house

8. No planning document shall require that a house containing two residential units have a minimum size or floor area that exceeds the minimum size or floor area requirement for a house containing one residential unit.

Unit Density

9. No planning document shall prohibit the installation of a second residential unit in a house on the basis that such an installation would mean that the maximum number of units permitted per hectare or acre or permitted for a particular geographic area is exceeded.

Age of Structure

10. No planning document shall require, as a precondition to the installation of a second residential unit or the continued use of two existing residential units in a house,
- (a) that it be constructed before or after a certain date; or
 - (b) that it be at least or no more than a certain age.

Units below Grade

11. Subject to section 13, in the case of a house containing two residential units, no planning document shall,
- (a) prohibit the location of one residential unit below grade;
 - (b) require that the floor of a residential unit be located less than a certain distance below grade;
 - (c) require that the ceiling of a residential unit be located at least a certain distance above grade; or
 - (d) require that a certain proportion of the wall area of a residential unit be located above grade.

Amenity Area

12. (1) In this section, "amenity area", in respect of the property on which a house is located, means the outdoor area intended for active or passive recreational use or aesthetic purposes and may include landscaped areas, patios and decks.

- (2) In the case of a house containing two residential units, no planning document shall require that,
- (a) two separate amenity areas be provided;
 - (b) one or both units have direct access to an amenity area; or
 - (c) the size of the amenity area exceed the requirement applied to a house with one residential unit at the same location.

Flood Plains

13. (1) In this section, "flood plain" means,
- (a) areas susceptible to flooding during a regional storm as set out in maps referred to in regulations made under section 28 of the *Conservation Authorities Act* relating to the applicable conservation authority,
 - (b) if no conservation authority regulation is in place that refers to maps, areas identified as being susceptible to flooding in a planning document, or
 - (c) if no conservation authority regulation is in place that refers to maps and no areas are identified as being susceptible to flooding in a planning document, areas susceptible to flooding during a regional storm as referred to in regulations made under section 28 of the *Conservation Authorities Act* relating to the applicable conservation authority;

"floodfringe" means the outer portion of the flood plain between the floodway and the limit of the regulatory flood;

"floodway" means that portion of the flood plain that is a channel of a watercourse or the inner portion of the flood plain;

"special policy area" means an area within the limit of the regulatory flood that the Minister of Municipal Affairs and the Minister of Natural Resources have identified in an Official Plan an area where limited development is permitted to occur.

ONTARIO REGULATION 384/94

- (2) This regulation does not apply to standards in planning documents which prohibit the installation of a second residential unit in a house if the house is located within the boundaries of,
- (a) a floodway identified in mapping which covers all or part of a flood plain and which specifies the location of the floodfringe and the floodway, where the mapping is,
 - (i) completed or approved by a conservation authority or the Ministry of Natural Resources, or
 - (ii) completed or approved by a municipality and approved by a conservation authority or the Ministry of Natural Resources; or
 - (b) a flood plain where,
 - (i) mapping referred to in clause (a) does not exist, and
 - (ii) the house is not located within a special policy area which permits residential use.
- (3) Subject to subsection (4), this Regulation does not apply to standards in planning documents which require that houses with two residential units meet specified floodproofing standards or standards which prohibit an increase in the habitable area of a house if the house is located within the boundaries of,
- (a) a floodfringe identified in mapping referred to in clause (2) (a); or
 - (b) a special policy area.
- (4) Subsection (3) does not apply unless the standards are applied to all alterations to houses, whether or not there has been an installation of a second residential unit.

Parking

14. (1) In this section, "driveway" means an area on a property with access to a public or private road where,

ONTARIO REGULATION 384/94

- (6) A planning document may require that a parking space required to meet the on-site parking requirement for a house containing two residential units be located in a garage or other enclosed space if,
 - (a) a building permit for the house is issued after the day section 49 of the *Residents' Rights Act, 1994* is proclaimed in force and contains two residential units both of which are built at the time of construction; and
 - (b) the planning document requires that the same standard in respect of the provision of a garage or other enclosed space be applied to a house with one residential unit.
- (7) A planning document may require that existing parking spaces located in a garage or other enclosed space be maintained upon the installation of a second residential unit if,
 - (a) the spaces are required to meet the on-site parking requirement applicable to the house; and
 - (b) the planning document requires that the same standard in respect of the provision of a garage or other enclosed space be applied to a house with one residential unit.

General

- 15. (1) An information to obtain a search warrant under section 49.1 of the Act shall be in Form 1.
 - (2) A search warrant under section 49.1 of the Act shall be in Form 2.
16. This Regulation comes into force on the day section 49 of the *Residents' Rights Act, 1994* is proclaimed in force.

**APPLICABLE ZONING REGULATIONS
FOR CONVERSIONS TO ONE ADDITIONAL UNIT**

The following Section 19 of the Zoning By-law are applicable to conversions of dwelling units.

- Section 19(1)(ii) yard requirements
- Section 19(1)(v) front yard parking
- Section 19(1)(vi) definition of gross area of the front yard
- Section 19(1)(vii) definition of gross area of the side yard
- Section 19(1)(viii) parking/landscaping requirements for pie shaped lots

- Section 19(2)(iv) yard requirements
- Section 19(2)(vi) front yard parking
- Section 19(2)(vii) definition of gross area of the front yard
- Section 19(2)(viii) definition of gross area of the side yard
- Section 19(2)(ix) parking/landscaping requirements for pie shaped lots

In cases where conversions result in three or more units being provided, the following Sections apply:

- All of Section 19(2) and 19(3).

SECTION NINETEEN A - SIGNS IN CERTAIN AREAS

- 19A. (1) Subject to the provisions of Section 3, the erection or use of any building or structure or part thereof for the purpose of a sign or other advertising device, within any of the areas defined in Schedule 19A (1) appended to and forming part of this By-Law, is hereby prohibited;

Provided that nothing in this subsection shall apply to prohibit an unilluminated business-identification sign having an aggregate area of vertical projection of not more than 2.5 square metres (26.91 square feet), and situate at least 12.0 metres (39.37 feet) from the limit of Burlington Street East. (79-288) (80-049)

And provided further that nothing in this subsection shall apply to prohibit an unilluminated business-identification wall-sign having an area of not more than 1.2 square metres (12.92 square feet), and located at or within 3.0 metres (9.84 feet) of the main entrance to the building. (79-288) (80-049)

- (2) Subject to the provisions of Section 3, the erection or use of any building or structure or part thereof for the purpose of a sign or other advertising device, within any of the areas defined in Schedule 19A (2) appended to and forming part of this By-Law, is hereby prohibited;

Provided that nothing in this subsection shall apply to prohibit "Business Identification Signs".

Provided further that nothing in this subsection shall apply to prohibit any sign or other advertising device set back at least 12.0 metres (39.37 feet) from Burlington Street East and at least 6.0 metres (19.69 feet) from any other street, having an aggregate area not in excess of 0.1 square metres (1.08 square feet) of sign area per 0.3 metres (0.98 feet) of frontage of the lot on Burlington Street East; but for every 0.3 metres (0.98 feet) that any such sign is distant more than 12.0 metres (39.37 feet) from Burlington Street East, the said area may be increased by 0.1 square metre (1.08 square foot), but in no case shall any such sign exceed an area of 56.0 square metres (602.80 square feet). (9821/62) (10200/63) (10215/63) (79-288) (80-049)

SCHEDULE 19A (1)

1. All those lands within 0.4 kilometres (0.25 miles), more or less of the northern and southern limits of Burlington Street East, between the Woodward Avenue Interchange and the production northerly of the eastern limit of Burgess Avenue to the waters of Hamilton Harbour, which said area may be more particularly described as follows:

Commencing at a point in the eastern limit of Burgess Avenue where it intersects the southern limit of Leaside Road;

Thence northerly along said eastern limit of Burgess Avenue and the production thereof to the shoreline of Hamilton Harbour;

Thence easterly following the shoreline of Hamilton Harbour to a point distant 402.34 metres (1,320.01 feet) measured at right angles from the western limit of the Burlington Skyway right-of-way; (79-288)

Thence in a south-easterly direction to a point in the western limit of Woodward Avenue, which point is distant 128.02 metres (420.01 feet) measured northerly along said western limit of Woodward Avenue from the northern limit of the City of Hamilton water pipe line right-of-way; (79-288)

Thence southerly along the western limit of Woodward Avenue, a distance of 128.02 metres (420.01 feet) to the northern limit of said pipe line right-of-way; (79-288)

Thence south-westerly along the northern limit of said pipe line to its intersection with the northern limit of Grace Avenue;

Thence westerly along the northern limit of Grace Avenue to a point in the eastern limit of Burgess Avenue;

Thence northerly along the eastern limit of Burgess Avenue to the point of commencement. (10215/63)

Save and except those lands which may be more particularly described as follows:

Commencing at a point in the division line between Township of Saltfleet Lots Number 31 and 32 (now in the City of Hamilton) distant 102.11 metres (335.01 feet) measured northerly along the said division line from the northern limit of Windermere Road; (79-288)

Thence westerly at right angles to the said division line 38.1 metres (125.0 feet) to a point, which point is also the western limit of the area described in Schedule 19A (1) of the Zoning By-Law (the production northerly of the eastern limit of Burgess Avenue); (79-288)

Thence northerly and parallel with the said division line 76.2 metres (250.0 feet) to a point; (79-288)

Thence easterly at right angles to the said division line 106.68 metres (350.0 feet) to a point; (79-288)

Thence southerly and parallel with the said division line 76.2 metres (250.0 feet) to a point; (79-288)

Thence westerly at right angles to the said division line 68.58 metres (225.0 feet) to the place of beginning. (9821/62) (10200/63) (10215/63) (10545/64) (79-288) (80-049)

SCHEDULE 19A (2)

1. All those lands lying within the area generally bounded on the north by the waters of Hamilton Harbour, on the east by Burgess Avenue, on the south by the Hydro Electric Power Commission right-of-way and on the west by Kenilworth Avenue North, which said area may be more particularly described as follows:

Commencing at a point in the eastern limit of Kenilworth Avenue North where it intersects the northern limit of the Hydro Electric Power Commission right-of-way south of Beach Road;

Thence northerly along the eastern limit of Kenilworth Avenue North and its production northerly, to the waters of Hamilton Harbour;

Thence easterly, (10279/64), following the shoreline of Hamilton Harbour to a point where it intersects the production northerly of the eastern limit of Burgess Avenue; (10279/64)

Thence in a southerly direction along the said northerly production of the eastern limit of Burgess Avenue and along the said eastern limit of Burgess Avenue to its intersection with the northern limit of Glow Avenue;

Thence westerly along the northern limit of Glow Avenue to a point where it intersects the northern limit of the Hydro Electric Power Commission right-of-way, said point being distant approximately 190.5 metres (625.0 feet) west of the western limit of Parkdale Avenue; (79-288) (80-049)

Thence continuing in a westerly direction along the northern limit of the said Hydro Electric Power Commission right-of-way to the point of commencement.

2. Those lands formerly in the Township of Saltfleet, now in the City of Hamilton and described as follows:

Commencing at a point in the division line between Township of Saltfleet Lots Number 31 and 32 (now in the City of Hamilton) distant 102.11 metres (335.01 feet) measured northerly along the said division line from the northern limit of Windermere Road; (79-288) (80-049)

Thence westerly at right angles to the said division line 38.1 metres (125.0 feet) to a point, which point is also the western limit of the area described in Schedule 19A (1) of the Zoning By-Law (the production northerly of the eastern limit of Burgess Avenue); (79-288) (80-049)

Thence northerly and parallel with the said division line 76.2 metres (250.0 feet) to a point; (79-288) (80-049)

Thence easterly at right angles to the said division line 106.68 metres (350.0 feet) to a point; (79-288) (80-049)

Thence southerly and parallel with the said division line 76.2 metres (250.0 feet) to a point; (79-288) (80-049)

Thence westerly at right angles to the said division line 68.58 metres (225.0 feet) to the place of beginning. (9821/62) (10215/63) (10545/64) (10199/63) (10200/63) (79-288) (80-049)

SECTION NINETEEN B - SPECIAL REQUIREMENTS

- 19B. (1) Where any parcel of land shown on any of the District Maps appended to and forming part of this By-Law is marked with the letter "S" followed by a dash and a number, that parcel is subject to the special requirements contained in the similarly identified Schedule of this Section. (10637/65)

For Schedule Numbers and information, contact the Building Department.

19C DEVELOPMENT
CONTROL

SECTION NINETEEN C

DEVELOPMENT CONTROL

19C. Development Control (74-39) Repealed (79-277)

SECTION TWENTY-ONE - VALIDITY (6902/52)

21. If any provision of this By-Law, including any part of the districting as shown on the Maps, is for any reasons held to be invalid, it is hereby declared to be the intention, that all the remaining provisions shall remain in full force and effect until repealed, notwithstanding that one or more provisions shall have been declared to be invalid.

RES'TD AREA
BY-LAW
REPEALED

SECTION TWENTY-TWO - RESTRICTED AREAS BY-LAWS REPEALED (6902/52)

22. (1) By-Law No. 2806 to Prohibit the Erection and Use of Buildings for Certain Purposes Within Defined Areas of the City, passed on the 24th day of April, A.D., 1923;
- By-Law No. 2807 Respecting Garages, passed on the 24th day of April, A.D., 1923;
- By-Law 3145 Respecting Apartment and Tenement Houses, passed on the 14th day of April, A.D. 1925; and
- By-Law No. 4215 To Prohibit the Erection of Signs or Other Advertising Devices Within Defined Areas of the City, passed on the 26th day of May, A.D., 1931;
- and all amendments of the said By-Laws are hereby repealed.
(7580/55)
- (2) This By-Law shall not take effect until approved by Order of the Ontario Municipal Board (7580/55)

SCHEDULE "A" TO BY-LAW NO. 78-38

SCHEDULE "C" TO BY-LAW NO. 6593

Distance Measured from the Centre Line of the Street to a Line Parallel to Centre Line of the Street and on that Side of the Street to Which the Lot is Adjacent

STREET (Column 1)	FROM LOCATION A (Column 2)		TO LOCATION B (Column 3)		Adjacent (Column 4)
1. Limeridge Road	1. Limeridge Road		1. Limeridge Road		
	(a) 152.4m (500.00 ft.) west of West 5th Street		(a) 152.4m (500.00 ft.) east of West 5th St.		13.11m (43.01 ft.)
	(b) 152.4m (500.00 ft.) west of Upper James		(b) Ridge Street		13.11m (43.01 ft.)
	(c) 152.4m (500.00 ft.) west of Upper Wellington		(c) 152.4m (500.00 ft.) east of Upper Sherman		13.11m (43.01 ft.)
	(d) 152.4m (500.00 ft.)		(d) Mountain Brow Boulevard		13.11m (43.01 ft.)
2. Stone Church Road	2. Stone Church Road		2. Stone Church Road		
(a) on north side	(a) approx. 198.12m (650.00 ft.) westerly of centre-line of Upper James Street		(a) approx. 228.6m (750.00 ft.) westerly of Upper Wentworth Street		15.24m (50.00 ft.)
(b) on south side	(b) approx. 114.3m (375 ft.) westerly of centre-line of Upper James Street		(b) approx. 131.06m (430 ft.) easterly of centre-line of Upper James Street		15.24m (50.00 ft.)
3. West 5th Street	3. Mohawk Road		3. approx. 182.88m (600 ft.) south of Stone Church Road		15.24m (50.00 ft.)
4. Mohawk Road	4. Garth Street		4. Buckingham Drive		15.24m (50.00 ft.)

SCHEDULE "D"

(Referred to in Schedule 19C)

Repealed by By-Law 79-277

Schedule "A" to By-Law 71-216

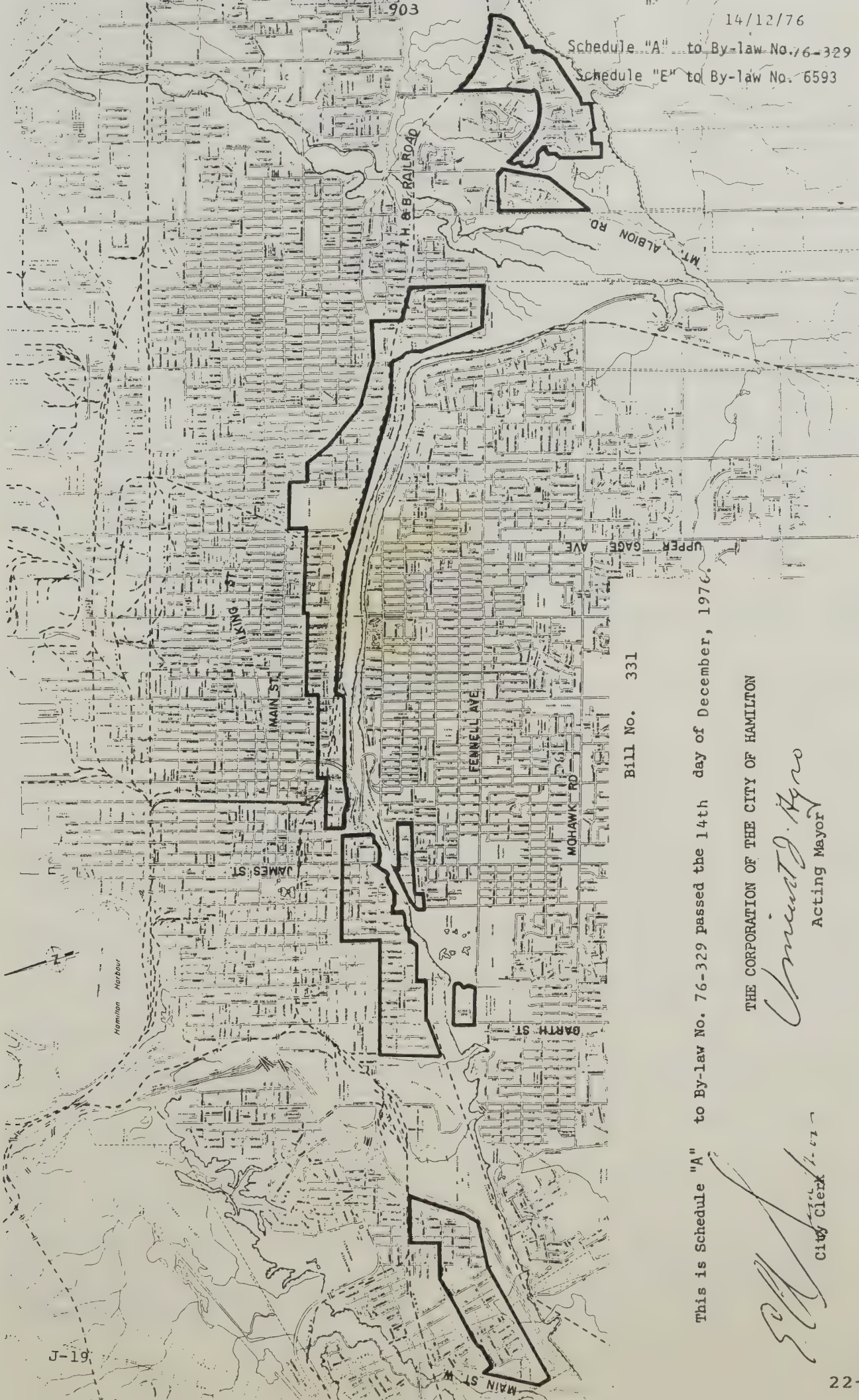
Schedule "C" to By-Law 6593

Repealed by By-Law 79-277

14/12/76

Schedule "A" to By-law No. 76-329

Schedule "E" to By-law No. 6593



This is Schedule "A" to By-law No. 76-329 passed the 14th day of December, 1976.

Bill No. 331

THE CORPORATION OF THE CITY OF HAMILTON

University of Toronto
Acting Mayor

City Clerk

SCHEDULE "A-1" TO BY-LAW 76-329

SCHEDULE "F" TO BY-LAW NO. 6593

HEIGHT RESTRICTIONS IN ESCARPMENT VIEW
PROTECTION AREA

FIRST:

Commencing at the intersection of the eastern limit of Main Street West with the western limits of the City of Hamilton.

Thence northerly along the said eastern limit of Main Street West to the western limit of Whitney Avenue.

Thence southerly and easterly along the western and southern limits of Whitney Avenue, in all its courses, and the production easterly thereof to the eastern limit of Emerson Street.

Thence northerly along the said eastern limit of Emerson Street to the southern limit of the Toronto, Hamilton and Buffalo Railway right-of-way.

Thence easterly along the said southern limit of the Toronto, Hamilton and Buffalo Railway right-of-way, in all its courses, to the north western limit of King's Highway No. 403.

Thence south westerly along the said north western limit of King's Highway No. 403, to the eastern limit of Bowman Street.

Thence westerly in a straight line to the south east angle of Broadway Avenue.

Thence westerly in a straight line to the south east angle of Emerson Street.

Thence westerly in a straight line to the south east angle of Hillview Street.

Thence westerly in a straight line to the intersection of the western limit of Clifford Street and the northern limit of the road allowance between Concessions 1 and 2, Township of Ancaster.

Thence westerly along the said northern limit of the road allowance to the aforesaid western limit of the City of Hamilton.

Thence northerly along the said western limit to the point of commencement.

SECONDLY:

Commencing at the intersection of the western limit of Chedoke Avenue with the southern limit of Aberdeen Avenue.

Thence easterly along the said southern limit of Aberdeen Avenue to the eastern limit of Queen Street.

Thence northerly along the said eastern limit of Queen Street to the southern limit of Charlton Avenue.

Thence easterly along the said southern limit of Charlton Avenue to the eastern limit of John Street.

Thence southerly along the said eastern limit of John Street to the intersection of the southern limit of Louisa Avenue.

HEIGHT RESTRICTIONS IN ESCARPMENT VIEW
PROTECTION AREA CONT'D

Thence westerly along the said southern limit of Louisa Avenue to the eastern limit of Mountwood Avenue.

Thence southerly along the said eastern limit of Mountwood Avenue to the southern limit of Freeman Place.

Thence westerly along the said southern limit of Freeman Place to the western limit of James Street.

Thence northerly along the said western limit of James Street to the south eastern limit of James Street Mountain Road.

Thence south westerly along the said south eastern limit of James Street Mountain Road to the production easterly of the southern limit of Inglewood Drive.

Thence westerly along the said southern limit of Inglewood Drive to the western limit of Bay Street.

Thence northerly along the said western limit of Bay Street to the southern limit of Part 1 according to a Reference Plan deposited in the Land Registry Office for the Registry Division of Wentworth as Plan 62R-2033.

Thence westerly along the said southern limit of Part 1 to the western limit of Part 1.

Thence northerly along the said western limit of Part 1 to the southern limit of the lands shown on a plan of subdivision registered in the said Land Registry Office as No. 392.

Thence westerly along the said southern limit of Plan No. 392 to the western angle of the said plan.

Thence southerly to and along the eastern limit of the lands shown on a plan of subdivision registered in the said Land Registry Office as No. 443 to the southern limit of Lot 28 in the said Plan No. 443.

Thence westerly along the said southerly limit of Lot 28 to the southern limit of Ravenscliffe Avenue.

Thence westerly along the said southern limit of Ravenscliffe Avenue to the south east angle of Lot 23, Plan No. 443.

Thence westerly along the said southern limit of Lot 23 to the eastern limit of the lands shown on a plan of subdivision registered in the said Land Registry Office as Plan No. 789.

Thence southerly along the said eastern limit of Plan No. 789 to the southern limit of Lot 10 in the said Plan.

Thence westerly along the said southern limit of Lot 10 to the eastern limit of Hess Street.

Thence southerly along the said eastern limit of Hess Street to its southern limit.

Thence westerly and parallel with the southern limit of Aberdeen Avenue to the western limit of Queen Street.

Thence southerly along the said western limit of Queen Street to the southern limit of Amelia Street.

**HEIGHT RESTRICTIONS IN ESCARPMENT VIEW
PROTECTION AREA CONT'D**

Thence westerly along the said southern limit of Amelia Street to the eastern limit of the lane joining Amelia Street and Hillcrest Avenue.

Thence southerly along the said eastern limit of the lane and its production southerly to the southern limit of Hillcrest Avenue.

Thence westerly along the said southern limit of Hillcrest Avenue to the western limit of Chedoke Avenue.

Thence northerly along the said western limit of Chedoke Avenue to the point of commencement.

THIRDLY:

Commencing at the intersection of the eastern limit of Catharine Street with the southern limit of Young Street.

Thence easterly along the said southern limit of Young Street to the eastern limit of Wellington Street.

Thence northerly along the said eastern limit of Wellington Street to the southern limit of Stinson Street.

Thence easterly along the said southern limit of Stinson Street to the eastern limit of Wentworth Street.

Thence northerly along the said eastern limit of Wentworth Street to the southern limit of Delaware Avenue.

Thence easterly along the said southern limit of Delaware Avenue and the production easterly thereof to the eastern limit of Sherman Avenue.

Thence northerly along the said eastern limit of Sherman Avenue to the southern limit of Maplewood Avenue.

Thence easterly along the said southerly limit of Maplewood Avenue to the eastern limit of Gage Avenue.

Thence northerly along the said eastern limit of Gage Avenue to the southern limit of Main Street.

Thence easterly along the said southern limit of Main Street to the south western limit of King Street.

Thence south easterly along the said south western limit of King Street to the western limit of Kensington Street.

Thence southerly along the said western limit of Kensington Avenue to the southern limit of Maple Avenue.

Thence easterly along the said southern limit of Maple Avenue to the south western limit of King Street.

Thence south easterly and easterly along the south western and southern limit of King Street, in all its courses, to the western limit of Rosedale Avenue.

Thence southerly along the said western limit of Rosedale Avenue to the southern limit of the Toronto, Hamilton and Buffalo Railway right-of-way.

**HEIGHT RESTRICTIONS IN ESCARPMENT VIEW
PROTECTION AREA CONT'D**

Thence easterly along the said southern limit of the Toronto, Hamilton and Buffalo Railway right-of-way to the production northerly of the western limit of Malta Drive.

Thence southerly to and along the said western limit of Malta Drive to the northern limit of Greenhill Avenue.

Thence westerly along the said northern limit of Greenhill Avenue to the western limit of Kimberly Drive.

Thence northerly along the western limit of Kimberly Drive and Kenilworth Avenue to the southern limit of the right-of-way of the Toronto, Hamilton and Buffalo Railway.

Thence westerly along the said southern limit of the Toronto, Hamilton and Buffalo Railway to the eastern limit of Wentworth Street.

Thence southerly along the said eastern limit of Wentworth Street to the southern limit of Charlton Avenue.

Thence westerly along the said southern limit of Charlton Avenue to the said eastern limit of Catharine Street.

Thence northerly along the said eastern limit of Catharine Street to the point of commencement.

FOURTHLY:

Commencing at the intersection of the eastern limit of the road allowance between Lots 32 and 33 with the southern limit of the road allowance between Concessions 4 and 5 Saltfleet Township.

Thence easterly along the said southern limit of the said road allowance to the western limit of Mount Albion Road.

Thence southerly and south westerly along the said eastern limit of Mount Albion Road to the aforesaid eastern limit of the road allowance between Lots 32 and 33.

Thence northerly along the said eastern limit of the road allowance to the point of commencement.

FIFTHLY:

Commencing at the intersection of the southern limit of Greenhill Avenue with the north western limit of the lands shown on the plan of subdivision filed in the Land Titles Division of the Land Registry Office as Plan M-36.

Thence easterly along the said southern limit of Greenhill Avenue to the eastern limit of Quigley Road.

Thence northerly along the said eastern limit of Quigley Road of the southern limit of the Toronto, Hamilton and Buffalo Railway right-of-way.

Thence easterly along the said southern limit of the Toronto, Hamilton and Buffalo Railway right-of-way to the eastern limit of Greenhill Avenue.

Thence southerly and south westerly along the said eastern limit of Greenhill Avenue to the eastern limit of the lands shown on a plan of subdivision filed in the said Land Registry Office as Plan M-3.

**HEIGHT RESTRICTIONS IN ESCARPMENT VIEW
PROTECTION AREA CONT'D**

Thence southerly along the said eastern limit of Plan M-3 to the southern limit thereof.

Thence westerly along the said southern limit of Plan M-3 and its production westerly to the production northerly of the eastern limit of the lands shown on a plan of subdivision filed as Plan M-28 in the said Land Registry Office.

Thence southerly and south westerly along the south eastern limit of said Plan M-28 to the south west angle of Plan M-28 lying west of Quigley Road.

Thence in a straight line to the south east angle of the lands shown on a plan of subdivision and filed in the said Land Registry Office as Plan M-95.

Thence south westerly along the southern limit of said Plan M-95 to the southern limit of Country Club Drive.

Thence westerly along the said southern limit of Country Club Drive to the eastern limit of the lands shown on a plan of subdivision filed in the said Land Registry Office as Plan M-82.

Thence southerly along the said eastern limit of Plan M-82 to the south east angle of the said plan.

Thence westerly along the southern limit of Plan M-82 to the south west angle thereof.

Thence in a general northerly direction following the westerly limits of the lands shown on Plans M-82, M-158 and M-36 to the point of commencement.

SIXTHLY:

Commencing at the intersection of the western limit of Belvidere Avenue with the northern limit of Wycliffe Avenue.

Thence southerly along the said western limit of Belvidere Avenue to the northern limit of Inverness Avenue.

Thence westerly along the said northern limit of Inverness Avenue to the western limit of Arcade Crescent.

Thence southerly along the said western limit of Arcade Crescent to the northern limit of Gateview Drive.

Thence westerly along the said northern limit of Gateview Drive and its production westerly to the western limit of West 5th Street.

Thence northerly along the said western limit of West 5th Street to the production westerly of the southern limit of Claremont Drive.

Thence easterly to and along the said southern limit of Claremont Drive to the western limit of Upper James Street.

Thence southerly along the said western limit of Upper James Street to the production westerly of the southern limit of Bull's Lane.

Thence easterly to and along the said southern limit of Bull's Lane to the eastern limit of Searle Street.

Thence southerly along the said eastern limit of Searle Street to the northern limit of Wycliffe Avenue.

HEIGHT RESTRICTIONS IN ESCARPMENT VIEW
PROTECTION AREA CONT'D

Thence easterly along the said northern limit of Wycliffe Avenue to the point of commencement.

SEVENTHLY:

Commencing at the intersection of the western limit of Garth Street with the northern limit of Scenic Drive.

Thence northerly along the said western limit of Garth Street to the production westerly of the northern limit of Auchmar Road.

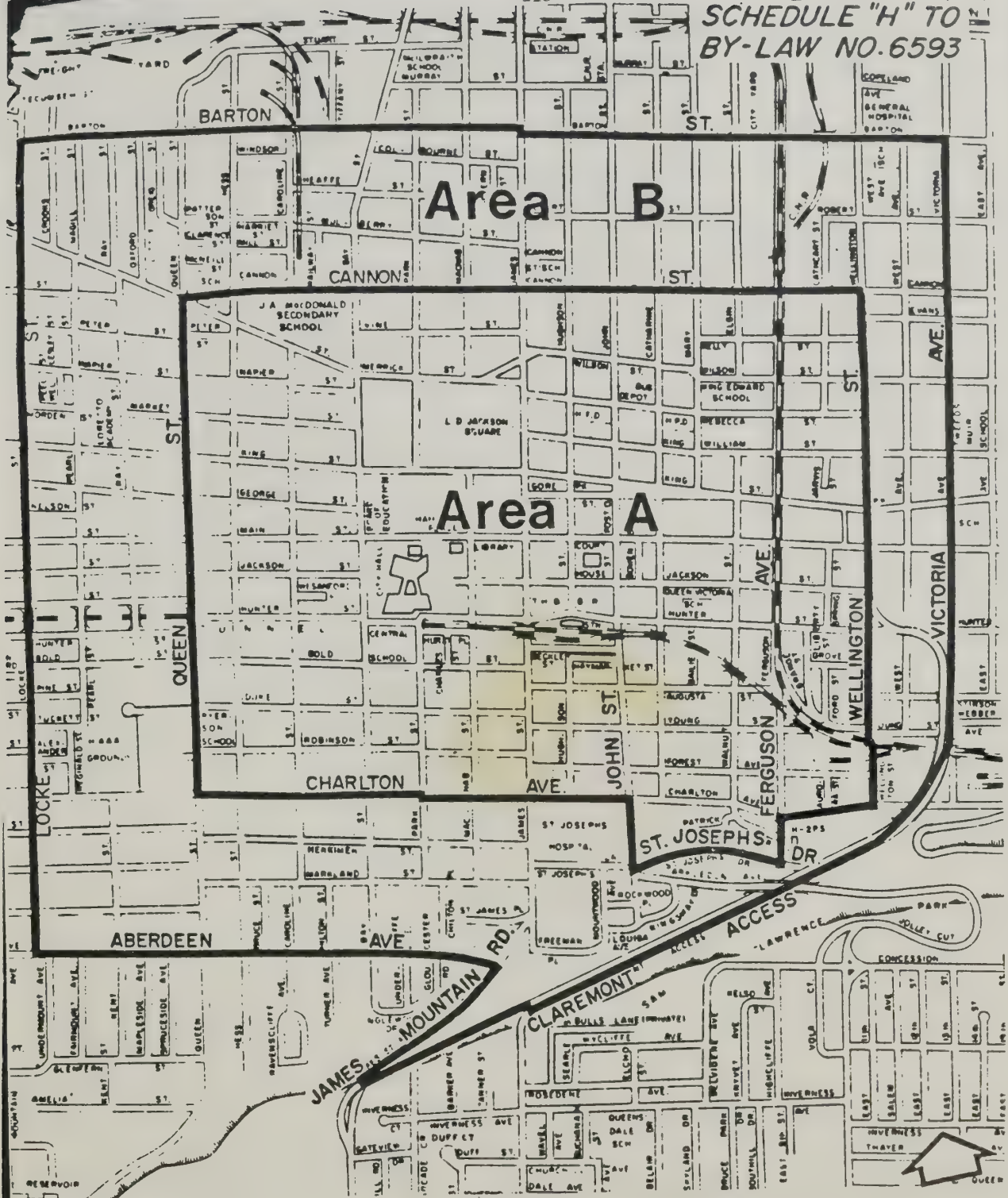
Thence easterly to and along the said northern limit of Auchmar Road to the eastern limit thereof.

Thence southerly along the said eastern limit of Auchmar Road to the northern limit of Fennell Avenue.

Thence westerly along the said northern limit of Fennell Avenue to the eastern limit of Garth Street.

Thence westerly in a straight line to the point of commencement. (76-148) (76-329)

SCHEDULE "H" TO
BY-LAW NO. 6593



LEGEND

— Delineates boundary of those areas in which parking requirements for Multiple Residential uses are reduced.

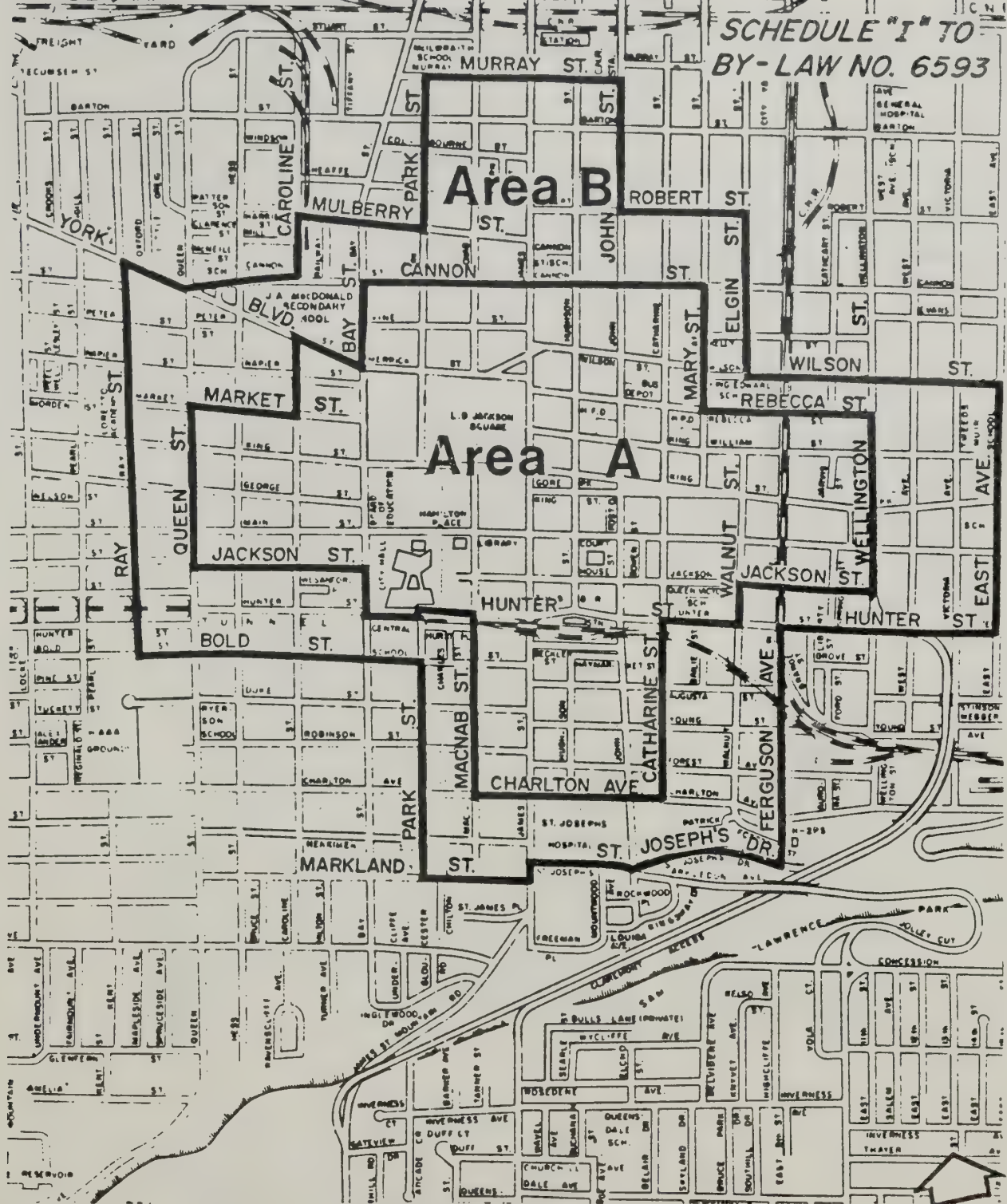
Bill No. D-33

This is Schedule "A" to By-law No. 83-66 passed the 22nd day of February, 1983.

[Signature]
 City Clerk

THE CORPORATION OF THE CITY OF HAMILTON
[Signature]
 Mayor

SCHEDULE "I" TO
BY-LAW NO. 6593



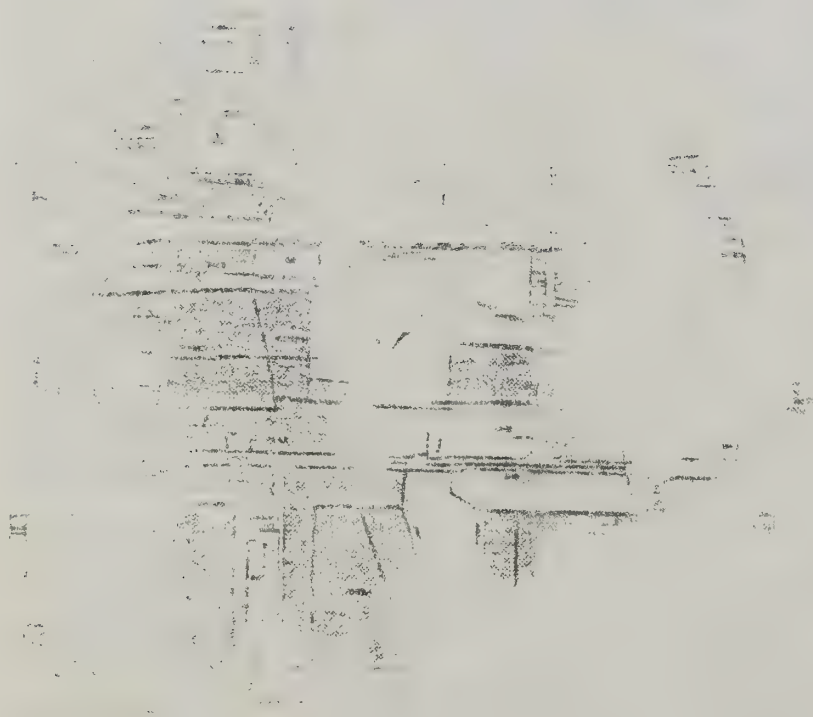
Bill No. D-33

This is Schedule "A1" to By-law No. 83-66 passed the 22nd day of February, 1983.

THE CORPORATION OF THE CITY OF HAMILTON

[Signature]
City Clerk

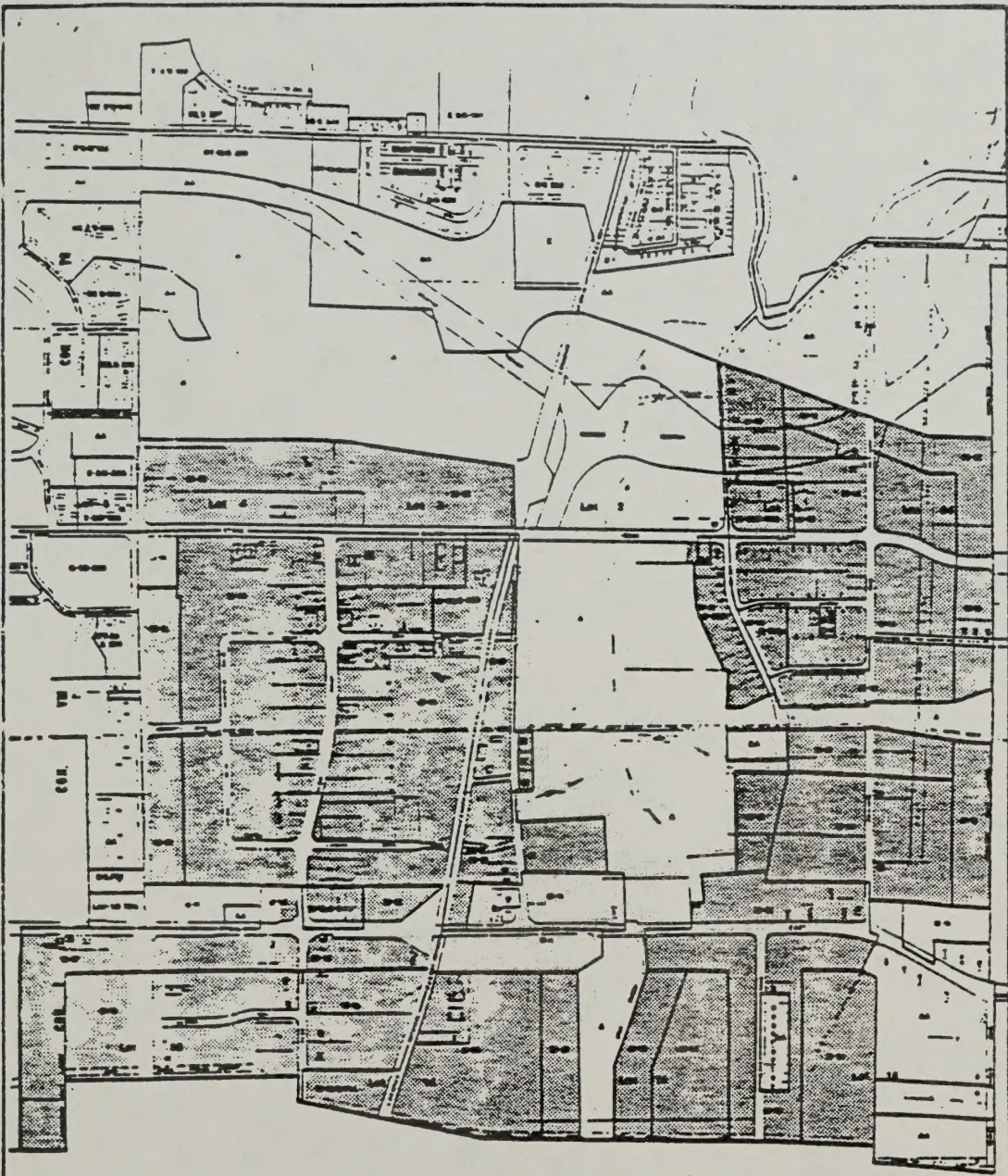
[Signature]
Mayor



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SCHEDULE "J" TO BY-LAW No. 6593

(SUBSECTIONS 17D (2) (i), 17E (2) (i); 17F (2) (i); 17G (2) (i)).

THIS IS SCHEDULE "A" TO BY-LAW No. 83-228
PASSED THE 27th DAY OF July, 1983

E.A. [Signature]
Clerk

[Signature]
Mayor

CITY OF HAMILTON

SCHEDULE "A"

MAP FORMING PART OF

BY-LAW No. 83-228

TO AMEND BY-LAW No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



LANDS ON SHEET Nos. E-49E, E-59C,
E-59D, E-59E, E-69C, E-69D, E-69E,
E-79C, E-79D & E-79E TO BE
REGULATED BY BY-LAW No. 83-228

North

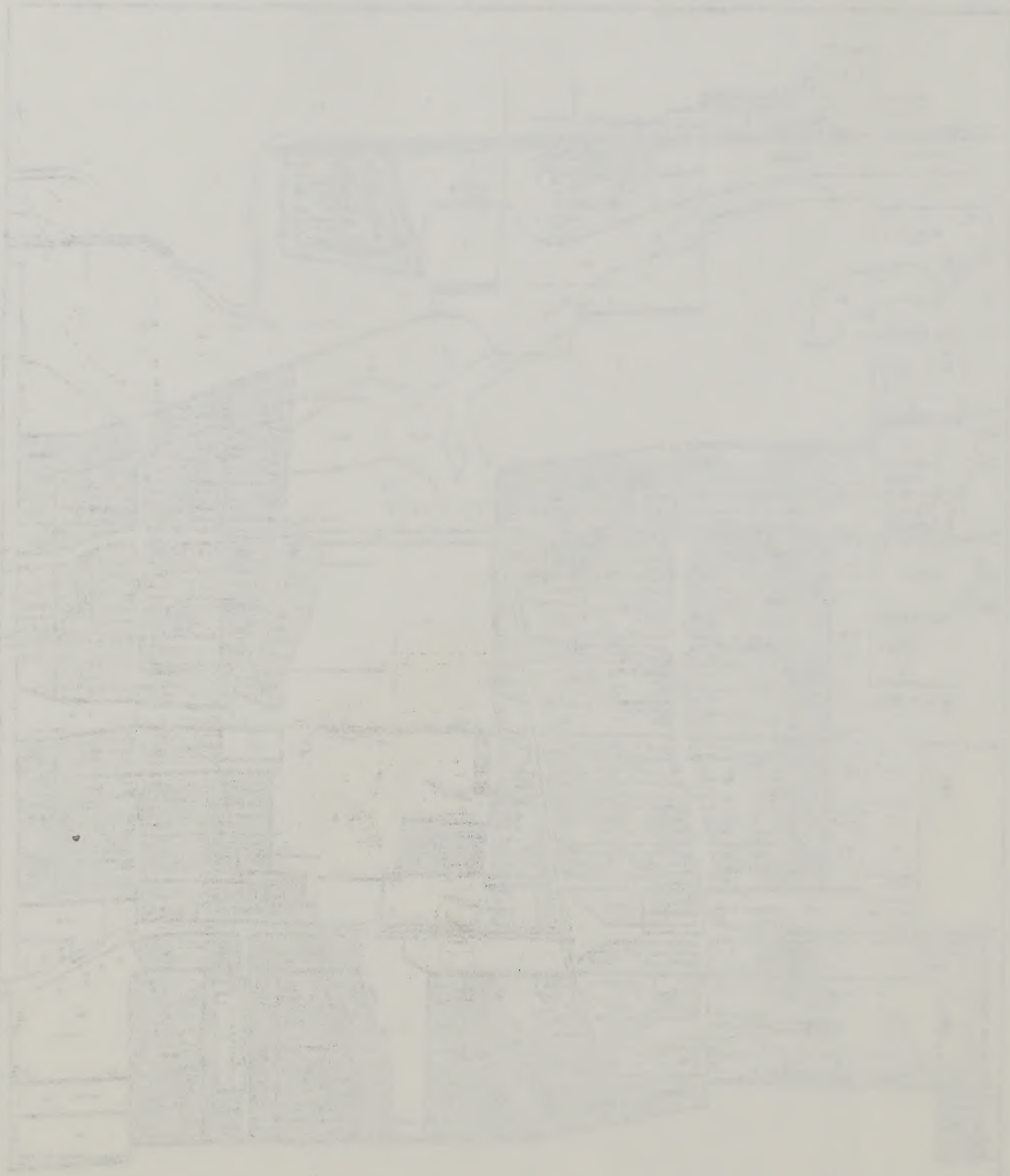


Scale
N. T. S.

Reference File No.
C.I. 81-P

Date
83-07-07

Drawing No.



STATE OF NEW YORK
IN SENATE
January 10, 1912.

REPORT OF THE
COMMISSIONER OF THE LAND OFFICE
IN RESPONSE TO A RESOLUTION PASSED BY THE SENATE
MAY 1, 1911.

Wm. C. ...

1812

STATE OF NEW YORK IN SENATE January 10, 1912.		
REPORT OF THE COMMISSIONER OF THE LAND OFFICE IN RESPONSE TO A RESOLUTION PASSED BY THE SENATE MAY 1, 1911.		
Author of Report	Wm. C. ...	...
Editor	...	...
Printer	...	...

STATE OF NEW YORK
IN SENATE
January 10, 1912.

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